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forward positioning of -- now I can't remember exactly but I want to say, eight, but I could be wrong, fuel truck companies; four, as I recall, bridge companies; all of those were established in theater prior to the beginning of operations. That marked our ability to say, 'We're done with Phase I. We're ready to Phase II.' Phase II for us is a land component [unintelligible word, counter 371] operations. In our view Phase II did not last 16 days and then there would be so called the 'G' day when ground forces crossed the line of departure. Our point was that -- was at sync, excused me that's an incorrect term now, when the regional commander told us to cross the line of departure. The moment we crossed the line of departure was G day, irrespective of what the campaign plan said. So the shaping operations that we were looking at were a series of attacks on the close and deep fights, if I can use that now construct of the Iraqi Regular Army Corps immediately -- Corps, plural -- immediately across the Iraq/Kuwait border and further continuous operations designed to destroy, deliberate choice of word, selected republican guard divisions deeper in the country around Baghdad.

Our Phase III was also called decisive maneuver but our Phase III and our construct ended but the primary criteria was when Baghdad was isolated from the rest of the country because from our view as the ground component commander, that's when decisive maneuver would be over. Multiple Corps on multiple axes would not be moving anymore and that began the process of regime removal and transition. In the campaign plan once the regime was removed that was the end of Phase III, a subtle difference significant, we thought, from the land component command plan. Why did we articulate something different? Because we believe that once Baghdad was -- itself was physically, electronically, etcetera, isolated from the rest of the country; meaning Saddam and his ability to command and control was severed from the rest of the country, then every where else post hostilities or stability of support operations could begin and we would be at the task of completing regime removal. So that's why we articulated as we did. Now that was known within Central Command. It was not known outside of Central Command and I understand the rationale why. It was hard enough engaging in the education process, again, that General Franks talks about in his book that was ongoing between Central Command and the Office of the Secretary of Defense and once we got across the idea of 5, 11, 16, 125; no one wanted to go back up to the Secretary and explain, 'Well, really the land

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component commander has a slightly different view.' As long as we professionals understood that it was going to be -- we just did not want to go back and explain how come the land component command had a little different view and it made sense to me. Not that, you know, I was the only colonel on the CFLCC staff so -- or colonel staff principle on the CFLCC staff. Not that I was, you know, always consulted about my opinion but from what I said it made sense to me. So that was the primary criteria of our shift from Phase III to Phase IV. We also articulated from the beginning that we saw this as a blurred transition to the point where I would tell all my fellow planners and as I heard my commanding general tell all of his subordinate general officers that at D-day, H-hour everyone was involved in the Phase III fight but at D-day, H+10 minutes the guys on point were at Phase III fights and the people in trail were in Phase IV, stability and support operations. So we wrote our supporting ground operations plan with both stability and support operations -- excuse me, stability and support tasks as well as more traditionally thought of combat tasks in Phase III and then Phase IV continued but the predominance, when we actually thought we would go into Phase IV, the predominance of the task at that time was more along the lines of stability and support operations tasks.

Q. Well let's talk about that for a couple of seconds then. The end state for your Phase IV was CFLCC would establish a permissive environment for transition to CJTF-4.

A. That is correct.

Q. How did you see that evolving and who was to be CJTF-4?

A. When we began planning, there was a standing joint force headquarters slice that I believe came from Joint Forces Command under the direction of Brigadier General Steve Hawkins -- General Hawkins of engineers. That element came forward into theater and he -- his mission was to be the nucleus of whatever CJTF Iraq or CJTF-4 would be. My focus as the CFLCC was, as Central Command articulated it, their Phase IV of the campaign plan had three subordinate stages within Phase IV. Phase IV (a), stabilization; Phase IV (b), recovery; Phase IV(c), transition. My focus was stabilization, which primarily

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led us to focus on security tasks. So in the cross -- well not cross work, that's not the right term but within the coordinated work between our C-5 and the planners on, then, the nucleus of JTF-4, our first work was to articulate the decision point for that handover. As such, and just a second because I honestly just gave a presentation on Phase IV planning that's why I know all of this is unclassified and forgive me, I'm looking at ----

Q. That's okay.

A. ---- here it is. I'm looking for the presentation that I gave and I can refer to it right away - [unintelligible mumble, counter 448] [pause] okay, our projection of our objectives for our end of Phase IV, which would then be -- not to be confusing -- but our phase 4 ended with -- also meant the end of campaign plan Phase IV(a). Remember this is all prior to line of departure crossing.

Q. Right.

A. Was that we were going to probably stay and establish and sustain the conditions for mission handover but to wit: those were a restoration of a completion of emergency repairs to vital infrastructure that the pockets of organized resistance from former regime elements would be defeated, territorial integrity of Iraq in tact, sensitive site exploitation operations were ongoing and would be transitioned to follow on forces. By that we mean there were a number of resurge component units that were engaged in so-called sensitive site exploitation, which was everything from the hunt from WMD to looking for Baathist party records and all that and since we had to track the length of time those reserve component units were in theater, we also had to project who would replace those guys. So that process would be ongoing. That was another one of the processes that we had to hand over to a follow-on unit.

Q. Okay.

A. We would have security established for logged [unintelligible word, counter 468] personnel that we were initiating the use of the Iraqi military for stability operations. One of the prime assumptions we made was that

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we could recall the Iraqi Regular Army and as we all know, that was in invalid assumption later on.

Q. Now ----

A. And there is a whole list of other handover conditions. If you want I can read them all.

Q. Well no -- well let me see if I -- by asking a couple more questions along this line maybe we will get that or maybe I'll digress off here a little bit. Getting back to the stand up of this CJTF-4; you indicated that General Hawkins from JFCOM, you thought, was going to be the kind of nucleus for the standing joint force?

A. Yes.

Q. So it was never -- or was it a CFLCC mission to stand up this headquarters?

A. No.

Q. Whose mission was it?

A. Central Command.

Q. Central Command. Now ----

A. And how did that modify?

Q. Yes.

A. Well as -- once we crossed the line of departure and now let me take you back a little bit.

Q. Okay.

A. Our initial operations [unintelligible words, counter 485] we handed over, and I'll be real precise, the C-5 planners were responsible for the development of that plan. In February of '03 we handed over the plans to our future operations element within the C-3. Those were the guys who transitioned our plan into the order and then subsequently monitored the changes. At that time the C-5 began to refine [unintelligible word counter, 492] the phase 4 part specifically. Shortly after we handed over, I went to my commanding general and told him that the more we

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got into refining phase 4, the more complex it got and I told him that it was a true sequel and required another plan to be written. It was more complex than just a continuation of Oplan Cobra II. General McKiernan was probably very frustrated by that. I could tell by his body language but he, nonetheless, agreed and so we wrote the second operations plan that we called 'Eclipse II' to Phase IV. We, the C-5, continued to work with JTF for General Hawkins and his gang on this. It didn't change what happened in the campaign plan but it changed our focus because of the growing complexity of Phase IV. Now as best I recall it was in April as we were closing on Baghdad, the decision was taken within our headquarters, agreed upon by Central Command for a number of reasons; one of which was, there was not going to be a headquarters that was going to relieve the CFLCC and we were growing -- we were -- awareness was growing that it was going to be us, the JTF4 such as it was was disestablished and its officers were -- I got some to reinforce my Phase IV planning effort. Other officers moved to reinforce Lieutenant General (retired) Garner's Office of Reconstruction and Humanitarian Assistance. I don't remember exactly when that was but as best I recall it was in April of '03.

Q. Okay when was the decision, then -- in the Oplan there mentions decision point 4 [unintelligible counter, 521] which was the battle handover from CFLCC to CJTF-4. Did that mark stay on the ground? I mean was that still viable decision point?

A. No.

Q. So that went away?

A. Absolutely it went away because there was no headquarters -- we were essentially handing over to ourselves. There was a -- we became JTF-7 and I could not find the exact date but I know that I recorded it because I flew to Qatar to participate in a conference representing my headquarters at Central Command when that decision was taken both that the CFLCC would become CJTF-7 and in fact that we would have the number designation CJTF-7 but I don't remember when that was. That was again either late April or early May.

Q. Okay when was the decision then made for V Corps to become CJTF-7 and how did that occur?

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A. As best as I could find, again in all of the notes that I kept that decision was taken sometime in June because it was very, very rapid. We had, as best I can recall, about 3 weeks to work -- the transfer of authority [unintelligible word, counter 542] was on the 15th of June and as I leaf through the notes that I kept, we began working with the V Corps on this task organization at how we would man the joint manning document and how many officers from our headquarters we'd move up to reinforce theirs, 3 or 4 June as best I can recall. We'd received indications prior to that but nothing official.

Q. Okay.

A. I mean official in terms of, 'here's a central command order.' I don't remember actually ever seeing one of those. I'm pretty sure there was one because -- but all those would come through the C-3.

Q. Well why V Corps?

A. They were the only -- the only headquarters we had.

Q. Okay so ----

A. First MEF was going to be relieved and withdrawn because the Marines felt the need to reestablish the MEU afloat -- MEU, Marine Expeditionary Units afloat and get their Marines out of Iraq as quickly as they could. Eighteen Corps was engaged in Afghanistan. I Corps -- there was not enough -- since I Corps was dependent on -- mostly on reserve components to the completion of their headquarters and there was some reluctance at that time to continue the call-up of multiple reservists. 3d Corps was apportioned to other places as I'm sure you know. So there was no other Corps headquarters to hand over.

Q. I guess my question then is, why a Corps headquarters for the standing joint force headquarters?

A. What was explained to me was the headquarters was there, it understood the situation, it was established in country and the regional combatant commander wanted to reestablish his Army component command headquarters so that we would revert back to a regional focus and continue to

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provide support to all of the -- to the theater vice just being a sole focus on one country.

Q. Okay let me argue with that for a second, if you will.

A. Sure.

Q. You indicated earlier that you never lost your responsibility for being the AOR force provider/sustainer but it sounds like ----

A. Not force provider.

Q. Okay well -- roger but in other words you never lost your AOR view?

A. We weren't formally relieved of the responsibility but it was understood that we would focus more on being the war fighting headquarters, CFLCC, and risk was taken knowingly in terms of looking at joint task force for the Horn of Africa and CJTF-180 in Afghanistan. That was a deliberate decision taken at the Combatant Command level. Those two other joint task forces understood they were a supporting effort and did not have to worry about -- well, we were not going to have to worry about them and actually European Command picked up some of those ARFOR responsibilities for Afghanistan.

Q. Okay.

A. And JTF [unintelligible word, counter 605] since it was [unintelligible word, counter 604] I beg your pardon, HOA -- primarily a Marine operation and so MARCENT picked up the responsibility of the support -- ADCON, if you will, of Joint Task Force HOA.

Q. Let's talk a little bit more about V Corps, basically along this same line, okay. Why not have the CFLCC become the JTF?

A. We were for a short period of time.

Q. And what caused that to change? Was there a ----

A. To the best of my understanding it was a desire on the part of the regional combatant commander to

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reestablish his theater so that his components were looking at the totality of his theater and that one of his components, specifically the ARCENT, 3d Army, was not tied down into just one country.

Q. Okay.

A. Now I will tell you that it is my personal belief that that was a mistake. The argument that I was making as the C-5 was that we should continue on with our additional estimate that phase 3-like conditions were going to last for 125 days and that we should continue the force flow and that our headquarters, as the CFLCC, should not leave.

Q. Okay.

A. Obviously that didn't -- obviously what the C-5 and CFLCC had to say was listened to and 'thank you very much but we have to take the decision in another direction.' I think it was a mistake.

Q. Now how did -- if you were involved in this, what was to be the means and method for standing up V Corps as the CJTF? Who -- was this a CENTCOM help kind of thing or was it kind of left up to V Corps or how did CFLCC get involved or, you know, what -- describe the game?

A. Part of the battle handover -- part of the battle handover of the responsibility of being CJTF-7 from 3d Army CJTF-7 -- 3d Army CFLCC and V U.S. Corps was the establishment of a joint manning document.

Q. Okay.

A. And we spent long hours looking at the V Corps staff and looking at what augmentation the staff would need both in terms of personnel and in terms of adjudication systems and all that. There were some rather heated discussions about the number of people that would go from our headquarters. Our headquarters made up the 3d U.S. Army CFLCC Headquarters had received a number of augmentees and so one of the decisions that was taken was that those officers who were on temporary duty orders of 180 days or 179 days whose time was not up, whose role -- whose functions were not needed were solely JTF responsibilities would transfer; either remain in Baghdad or move to Baghdad to augment the V Corps staff. Now I was not involved in



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all the discussions across all the [unintelligible words, counter 667] but I know that from my own C-5 element and I had 18 officers working for me, three moved to -- from my C-5 section to the establishing C-5 based on the V Corps and G-3 plan to include one of the international officers I had who was then relieved and replaced by another international officer, a British officer.

Q. Okay. So it sounds like you're kind of -- V Corps is starting and you know they are doing all of this in a relatively short period of time. There was a statement stating that the assumption that the security environment would be relatively benign in phase 4. Now you made the comment that that's different from what you saw or the way CFLCC saw it, you know, talking about the 125 days.

A. That was [b)(6)-(4)&(b)(7)(C)-4]

Q. Yeah.

A. At that moment in time guys, we were walking around Baghdad -- walking and driving around Baghdad and no one was getting shot at. There was some basis in what we saw as fact on the ground. No one was getting shot at. There was actually a discussion going on of whether or not maybe we ought to do like the Brits were doing in Basra and have the folks take off their hard hats and patrol in soft caps to try to -- you know, that visual message of, 'see things are better.' Power was coming back on -- power was back up to pre-war standards in that period of time.

[b)(6)-(2)&(b)(7)(C)-2]

What period of time was that?

A. Well that was in -- between -- you know, from about the beginning of June to the middle of June.

Q. Okay.

[Tape stopped momentarily.]

Q. The time is 1515 hours and the tapes are back on. Persons present are the same and nothing has transpired since we last spoke.

Now [b)(6)-(4)&(b)(7)(C)-4], you have been describing the overall security situation in June as being relatively benign and there was a discussion about adopting the

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British method of basically going to soft caps. Is that correct?

A. That is correct.

Q. To confirm [Tape 1, side A abruptly ended mid-question].

[Tape 1, side B picks up mid-question.]

Q. ---- CJTF role?

A. That decision was taken at the Central Command level.

Q. Central Command level. Okay now did CFLCC agree with that because you had talked about some staff interaction about missions and your Op plan and joint manning and stuff like that? I just wanted to see how that kind of process worked. In other words was it top down driven or was there significant dialogue and --

A. I do not know about commander-to-commander dialogue. I know that colonel-to-colonel -- the colonels with whom I spoke on the Central Command staff within the J-5 and the J-3, I made it know that my recommendation was -- and that which I delivered to my boss was that we're leaving too soon and as tough as it was going to be we needed to stay. Now, again, I do not know what took place commander-to-commander but I do know that subsequently we were directed to begin the handover process that would culminate on the 15th of June.

Q. Was that your assessment -- your assessment, was that based on kind of what you had seen in terms of when you were writing the op plan, Eclipse II, I believe you called it and you saw this, I think the way you described it was a bunch of responsibilities and tasks?

A. It was Eclipse.

Q. Oh Eclipse.

A. Lunar Eclipse.

Q. Okay.

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A. Eclipse II and yes, because as we war gamed potential enemy courses of action, one of them was an insurgency. Now although none of us, I hasten to add, thought that was very likely, it was one of the potential outcomes and we felt that given the depth in our headquarters and it's understanding was that was -- that was the recommended command and control course of action [unintelligible word, counter 735] given the complexity of what we knew is also -- I mean at the same time we were also engaged in discussions with the establishment of the multi-national division that would relieve First Marine Expeditionary Force and so there was handover within handover within handover and that was adding to a level of complexity that I thought was just you know, based on my own personal judgment was just a little too much to bear for the Corps Headquarters even reinforced with folks that were coming out of ours. Again, I don't know of anything about the commander-to-commander decisions and I'm sure there were absolutely great reasons for why the decision was taken to do the handover.

COL (b)(6)-2 & (b)(7)(C)-2 Do you know the reasons?

A. No I do not but I'm sure there must have been some because we did it.

Q. At the colonel-to-colonel level or at the staff level to staff level-to staff level what -- did you ever gain any impressions from what CENTCOM felt about your feelings or your staff's feelings or at the planning level feelings regarding this?

A. I can't tell you across the entire CENTCOM. I can tell you that the conversations I had with two guys in particular, we were all in violent agreement because we just didn't know what was going to happen as far as the enemy was concerned.

Q. Now it ended up being an assumption, I guess, that the security environment would be relatively benign. Was that, in fact, an assumption that was a conscious assumption that was placed as part of a transition of phase 4?

A. No, we would never have made that assumption.

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Q. Okay. Sliding off this topic just a little bit what you mentioned earlier that the standing joint task-force headquarters and there was a nucleus group that had come out of JFCOM and under General Hawkins, is that correct?

A. That's correct.

Q. Did they come into theater?

A. Yes they did. They lived with us at Camp Doha, Kuwait.

Q. Were they under CFLCC or were they under CENTCOM?

A. The decision was taken between Central Command and the senior general officers in CFLCC that this group would be under the operational control of CFLCC.

Q. Okay in that regard was the -- was the CJTF supposed to be built around this standing joint force headquarters?

A. Yes, that was our understanding when the guys in JTF-IV -- that was roman numeral IV by the way, arrived in theater that these would be the nucleus of the headquarter that followed them.

Q. And when did they arrive in theater?

A. Late January.

Q. Now what happened with that whole thing?

A. [Pause.]

Q. What I mean is did, in fact, this corps group, this nucleus, actually become the nucleus for this CJTF?

A. No, not in so many words.

Q. Okay.

A. The team was made up of -- it was joint team. The Naval, Marine, and Air Force officers were on 90-day TDY orders. At the end of their TDY they left theater. The Army officers that made up the team were on 179-day TDY

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orders so they stayed for 179 days, some of them longer. Some of them were -- as I recall, the Army G-1 and G-3 - issued a -- there was a message that came out of the Army staff, again as I recall, I remember seeing it but I don't remember the dates or anything just by fiat extending every Army officer who was on 179-day TDY to one year. Those Army officers that were a part of JTF 4, some of them came to our staff, the CFLCC staff. I had one of those guys actually come and work for me. The others -- and then subsequently left and worked for V Corps. Others went to work for ORHA and Office of Reconstruction and Humanitarian Assistance run by the [unintelligible words, counter 768].

Q. Okay then what did that -- okay, this is a two-part question with a three part answer I guess; I don't know. If the Navy guys were only there for 90 days, you barely cross the LD and they're going home so how are they going to become part of a standing joint force headquarters, first part of the question; then second part of the question is, what did they do while they were there in terms of developing the formulating of the joint manning document and everything else that would have embodied the creation of a full-up JTF headquarters?

A. Answer to the first one is I don't know. I don't -- I have no idea who took the decision to do that and to formulate that team. All I know is they came out of Joint Forces Command and some were on the joint manning document. There were a number of joint manning documents floating around at the time all of which were in various degrees of being filled. The second part -- the answer to the second part was General Hawkins is a pretty dominant personality and he had a Marine chief of staff, a colonel marine chief of staff whose name I can't remember, who was also a rather dominant personality and those guys worked like indentured servants and they really were on the -- they were producing a very good document. They were producing a plan for JTF, whatever it was going to be for Iraq-7, that would -- and I can't remember what they called it. I want to say it was Aurora but I don't recall precisely but they named it. They had -- they were actually writing a plan for campaign plan Phase IV(b), recovery and for (c), transition because the first level of effort was they participated in a war gaming that we were doing as the CFLCC C-5 that tried to articulate what the end state conditions for our participation in phase 4 would be, which was Phase IV(a), stabilization because our end state conditions became the

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starting conditions for their planning and so our war gamed end state conditions became assumptions for them upon which they began their planning for Phase IV(b) and (c), part of the CENTCOM campaign plans. They were doing an awful lot of work. Now were some guys and gals working harder than others? Sure, but no one was -- none of those folks were slacking.

Q. No, no.

A. As far as the duration of their stay, my understanding and again this could be flawed, was they were on orders in accord with service policies. I cannot confirm that. I remember someone telling me that.

Q. And what happened to that organization once the CJTF stood up then?

A. They were formally disestablished prior to the stand-up of the JTF and their officers were incorporated into CFLCC and ORHA. After -- upon handover of the JTF role from the CFLCC to V Corps, those Army officers who were still in theater, who had been extended for a year rolled over and augmented the V Corps staff.

Q. One last question on this particular -- was their a viable construct for a standing joint force headquarters? In other words, an organization on paper that would have transitioned from CFLCC to CJTF? In other words, with, you know, a three-star general/two-star general, a chief of staff, various organizations? In other words what I'm describing is the honeycomb of organization that would actually be this headquarters or was it something that was just going to evolve or mutate out of either CFLCC's organization or out of, in this case, V Corps?

A. I will tell you I never saw a proposed table or organization save those that we at CFLCC developed. Was there another existing headquarters? At one point in time at the beginning of our planning effort and I would put that at the beginning of phase IV planning for me was June and July of '02. We assumed there would be a headquarters that would follow on. As it became more and more clear to us that we were going to hand over the phase IV mission to ourselves as JTF-7, that realization kind of sank in and we began to change the Outlook within our headquarters that it was going to be us and we began the work of looking at who

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was our -- and I'm going to use an acronym now and I can't remember what it stands for but it was WWIAS. I'm sorry I can't remember what it stands for but essentially that was the process by which the Army used to augment our headquarters, our headquarters in 3d U.S. Army that made up CFLCC as well as the joint manning document that gave us our Marines and our Air Force guys and we began to relook that and how we can sustain it until we learned that we were then going to hand over the JTF-7 mission to V U.S. Corps on the 15th of June and then the focus of effort became how can we transition those billets over to V Corps to augment their staff to make then a joint task force staff. As the multi-national divisions developed, how would those multi-national divisions embed staff officers into the joint task force staff and how would they establish liaison officers, which were also pretty much staff augmentation from the joint task force.

Q. Okay, I have a quote that I would like to get your comment on here. "They went into phase IV with the perspective that the Corps would augment the JTF and it would function effectively. The CTF-7 structure on 14 June would have been adequate for stability and support operations and for drawing down the force." Is that a fair assessment?

A. Who said that?

Q. I don't know.

COL (b)(6)-(b)(7)(C) It's in a report ----

Q. It's in a report and I don't particularly have the quote. It was from a high-level official.

A. Could you read that one more time please?

Q. Sure. "They went into phase IV with the perspective that the Corps would augment the JTF and it would function effectively. The CTF-7 structure on 14 June would have been adequate for stability and support operations and for drawing down the force." It might have been the Schlesinger Report.

A. No I've got the Schlesinger Report open and I haven't found that.

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Q. Yeah, it may -- it's somewhere up in those Netherlands but that's the quote.

A. Well, one of the considerations and possible outcomes that we were dealing with was the potential that the enemy would be quickly defeated and that the thrust of then -- this was under the guise of planning for success -- the enemy would be defeated, there would be no insurgency and therefore we would want to get out of Iraq as swiftly as possible consistent with handing over the Iraqi forces [unintelligible due to background noise] environment. So I can see where someone would say that the headquarters was structured to do that because we had to bear in mind all the potential outcomes. Was that the predominant slot? Yeah because everybody wanted to go home but there were still forces arriving as we were dealing with the relief in place of the 3d Division by the 1st Armored Division and we were anticipating that possibly 1st Cavalry would come and of course 1st CAV was taken off the force flow to come as a part of Operation Iraqi Freedom II. Of course we didn't know that Operation Iraqi Freedom II was going to happen at that time.

Q. Okay.

A. So my comments are, yeah, I mean, I can see where someone would say that. The Corps was not going to augment the JTF. The Corps was going to be the JTF and it, itself would be augmented by other people but okay I can accept that quotation as a valid point of view.

Q. Okay. Is it correct to say that when the CJTF-7 became operational or stood up on or about the 14th of June, it assumed CFLCC's missions, roles and responsibilities?

A. That is an incorrect statement because JTF-7 stood up earlier than the 14th of June. CFLCC became JTF 7 and I was trying to find the exact date of that in my notes and I can't but it was well before -- I want to say it was sometime in May because when General McKiernan left Camp Doha to go to Baghdad, we already knew we were JTF-7; we at the CFLCC because I remember he joked about putting yet another hat on.



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COL (b)(6)-2 & (b)(7)(C)-2 (b)(6)-2 & (b)(7)(C)-2 I have a note here that we talked about earlier that said 3rd or 4th of June, V Corps became CJTF-7.

A. Then I misspoke because that's not correct. V Corps became CJTF-7 on the 15th because that was the handover.

COL (b)(6)-2 & (b)(7)(C)-2 Fifteenth of June?

A. Yes.

COL (b)(6)-2 & (b)(7)(C)-2 Okay.

Q. Okay when V Corps assumed ----

A. Excuse me, I believe what I said was -- of course the transcript will say, that about the 3rd or 4th we found out that V Corps would become JTF-7, I think.

Q. Yeah because I think you also said something about you had about -- there was about a 3-week period there and then ----

A. Right.

COL (b)(6)-2 & (b)(7)(C)-2 Excuse me, I also have another note right before that says, 'CFLCC became CJTF-7 late April/early May.'

A. Yeah and like I said, I can't remember the precise date. I'd have to go back and do a detailed look at my notes but it was sometime in there; maybe not April but May for sure.

Q. so when V Corps took over CJTF-7 or it became CJTF-7 ----

A. Roger.

Q. They basically took all of CFLCC's missions?

A. No. They took the JTF-7 mission. JTF-7 was responsible for conducting operations in Iraq. The CFLCC missions remained with 3d Army.

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Q. Okay and those CFLCC missions were more or less the AOR missions?

A. That is correct as well as receiving both incoming and outgoing forces, you know, the incoming reception, staging, onward movement and integration of forces entering country [unintelligible word, counter 901] the rest of 1st Armored Division and the follow-on combat support, combat service support units that were still coming in during the request for forces procedures as well as the retrograde of 3d Infantry Division and other units [unintelligible word due to background noise, counter 903] come back in, turn back in all the Army preposition sets of equipment and materials that we got from APS 3 and 5 and then ship them and the 3d Division home. That was the CFLCC responsibility.

Q. Okay so V Corps, AKA CJTF-7, was basically the ITO guy?

A. I don't know what ITO stands for.

Q. Iraqi Theater of Operations.

A. Roger.

Q. Okay and you -- and CFLCC was in the Kuwait/Saudi Arabia/Qatar ----

A. Right, rest of the theater.

Q. Rest of the theater. We're heading around this whole area because I'm covering a bunch of different specific areas in here.

A. Okay.

Q. I have a quote from the Jones Report which talked about phase IV operations were being envisioned as SASO and as direct support to the CPA. When did the CPA and it's -- and the role of direct support come into significance?

A. Who is Jones?

Q. General Jones.

A. Oh, Marine General Jones?

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Q. No, Army General Jones. This is part of the 15-6 that was done, which was part of the Kern Report.

A. Okay. I'm unfamiliar with that report. However, by and large we did look -- when I was writing Eclipse II, which was the plan that we also handed over the V Corps who subsequently modified it into a campaign plan of their own design, we did in fact envision the participation of land forces as stability and support operations. That was the best doctrinal terms that we could use that would communicate to everyone -- I didn't want to use 'doctrine de jour'. I wanted to use something that was out there at the time. Stability and support operations best fit [unintelligible words, counter 928] and support the CPA was discussed in the terms of when do we go from military to civil primacy. These discussions began when General [unintelligible name] group, ORHA, was the civilian [unintelligible word, counter 933] and again this was before we made decisive -- you know, before we made contact we envisioned that there would be a point in time where the requirements for U.S. provided security forces and other forces; the engineers, civil affairs would decrease and there would be a corresponding increase in the number of civilian [unintelligible word counter 938] Iraqi, NGO, PBO and U.S. government/coalition government agencies that would come in and start taking over the running of various ministries. The maintenance of somewhat of a stable environment and at that point in time, if we never quite nailed down when that would be in terms of linear time, that would be the cross-over point where the civilian would take over and the military would work for the civilian as opposed to when General Garner arrived he was placed under the operational control -- he and his agency -- of the CFLCC by the regional combatant commander. So that was the genesis of that discussion. That was all cast aside, I would offer, when ORHA was disestablished and it was announced that Ambassador Bremmer was going to be coming into as the Coalition Provisional Authority because his title, Coalition Provisional Authority, is certainly saying to me that he was going to be the guy in charge.

Q. Okay.

A. At that point in time we, at CJTF-7, coordinated directly with Ambassador Bremmer and took directions from him and I know V Corps did the same because they split

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their headquarters and, in essence, split their TAC -- the Corps TAC, co-located in the palace with CPA and the Corps Mains set up at Baghdad International Airport.

Q. How did CFLCC conduct battle handover of this whole thing to V Corps?

A. We had staff-to-staff talks for the 2 weeks prior to 15 June. As you recall or maybe you don't, on the 14th of June General Wallace changed command of V Corps to Lieutenant General Sanchez and on the 15th of June we sat around a huge conference table in a palace at Baghdad International Airport or in the neighborhood of Baghdad International Airport and had the entire CFLCC staff and the entire V Corps staff and we had a rather traditional series of presentations from the situation through logistics. The folks at Leavenworth would have loved it because we tried to follow doctrine as well as we could. That was a formal staff-to-staff, commander-to-commander handover and I participate in it and I briefed General Sanchez that day along with the rest of the senior staff principles of CFLCC.

COL (b)(6)-2 & (b)(7)(C)-2 What was the staff number of CFLCC when you all did that compared to the staff number of CJTF-7?

A. In terms of the number of people?

COL (b)(6)-2 & (b)(7)(C)-2 Correct.

A. I don't remember but ----

COL (b)(6)-2 & (b)(7)(C)-2 Swag it ----

A. During the war I would offer -- I heard guys say that we were roughly the same size in terms of personnel. I don't know that for a fact. I honestly don't know. I know that JTF-7 -- well V Corps folks were kind of disappointed in the lack of fill of the joint manning document gives their staff the joint flavor but I don't remember numbers.

COL (b)(6)-2 & (b)(7)(C)-2 But on the Army side of the house what I understand you to say is that CFLCC and V Corps were about the same size.

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A. To the best of my recollection in terms of raw numbers, we were about -- numerically we were about the same strength.

Q. Okay moving on just a little bit ----

A. Grade wise I would offer we were probably a little heavier.

Q. A little heavier?

A. Yeah well considering all of our staff principles except me were flag officers, which is as you know, not the case on a Corps staff.

Q. Was V Corps happy to be assuming this role?

A. Hell no.

Q. They were -- were they expecting to go home?

A. There was that hope. Again, I would say as time went on and once we started the -- you know once we had D-day, H-hour and the CFLCC/C-5, my folks, and G-3 plans, V Corps folks started looking more and more -- as well as G-5, 1st MEF -- started looking at the complexity of phase IV, we started looking around about, 'Gee, who the heck could be JTF,' at the time Iraq. We didn't know the number was going to be 7. What were the options? CFLCC stays, 1st MEF, V Corps, some other corps to be named or some other organization to be named that would be a hybrid of Central Command, CFLCC, V Corps and 1st MEF. None of those were past any stretch of feasible, suitable, acceptable -- though we all came to the realization that it sure looked like V Corps was going suck it up.

Q. How much augmentation came down from CENTCOM?

A. To JTF-7?

Q. Yes.

A. None while we, 3d Army, had the missions. I don't know ----

Q. I guess because ----

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A. ---- how many came from Central Command to augment V Corps.

Q. Because the key word is CJ, Joint, and what you're talking about is Army headquarters and Army Corps.

A. Yes and I don't know. I only knew personally one guy who went to Baghdad to augment V Corps Headquarters and he was an Army officer serving as the J-5 at Central Command.

Q. Okay. I may come back to that in a little bit when I -- depending on how far down the road we get here talking about the doctrinal discussions regarding the establishment of standing joint headquarters and stuff like that.

A. Okay.

Q. Let me get down the road here a little bit. A subsequent CENTCOM FRAGO established and transferred all of CFLCC tasks to CJTF Iraq that was followed by another FRAGO which changed the name to CJTF-7. I think we've been kind of talking about that.

A. Yep.

Q. Initially CFLCC was designated as the commander of forces Iraq and would perform as military governor. CJTF-7, upon establishment, assumed those responsibilities. Now during phase IV (a), CJTF-7 was designated the main effort and supported command. Commander ARCENT was designated as the joint rear area command in Kuwait and Saudi. Is that pretty much the way it went?

A. To the best of my recollection, what you're describing is what existed on 15 June and after that date.

Q. Okay.

A. Prior to that date that was as General McKiernan said; it was just another hat that CFLCC was wearing because we did retain all the other joint and Army doctrinal responsibilities of the Army Service Component Command, 3rd Army, CFLCC so yeah. But after the 15th when V Corps was JTF-7, 3d Army then resumed -- it just lost one had but retained all the other responsibilities.

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Q. Okay I have another quote here that I'd like for you to comment on from the Jones Report. "In accordance with the CENTCOM Oplan, CFLCC would have had to provide operational logistic support to Army forces from Kuwait. No attempt was made by CJTF-7 to coordinate a change in this command relationship." Why did CFLCC retain OPCON of units, such as 800th MP Brigade, after the 15th of June?

A. I have no idea.

Q. Okay.

A. My understanding was that we would perform those tasks that were related to combat service support. Why would we retain command of 800th MPs? I have no idea. The Kuwaitis would not let us establish a PW holding area in their country. So as I recall the 800th operated inside Kuwait until we crossed into Iraq and then as we set up holding areas, they moved forward into those areas.

Q. Yeah the relationships for a lot of the units were either OPCON or TACON.

A. Check.

Q. And 800th was one of those units and they were TACON -- they became TACON to CJTF-7 upon 15 June let's say but that still implied that all the administrative, logistic, and all those other types of support tails stretched back to the 377th Theater Support Command and -- which was under your -- let's say you're under CFLCC control.

A. That's true.

Q. Is that good or is that something that ----

A. The discussions that we had as best I recall was that TACON, under the doctrinal definition of TACON, that gave JTF-7 all the authority it needed to specify directive directed tactical tasks that the brigade would perform and that by retaining operational control, that's ultimately at CFLCC, that would relieve JTF-7 of the responsibility for providing CSS.

Q. Okay.

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A. It made sense at the time because JTF-7's zone of control was the country of Iraq and CFLCC had responsibility for Kuwait and the only port that we were using, CPORT, was in Kuwait. So it made sense at the time to do it that way. We had a similar arrangement if we'd have conducted operations out of Turkey between Central Command, European Command and CFLCC that there would be units that were providing combat service support in the north under -- and the European Command would retain operational control and as those units would come into Iraq, and again this was all war gaming conjecture because obviously we didn't operate out of Turkey into Northern Iraq, but those units when they came into a zone of CFLCC would come under the TACON of CFLCC or a CFLCC designated force [unintelligible word, counter 088] so that would have been the 4th Division. So we applied this similar construct to relieve JTF-7 of the burden of providing combat service support and TACON in our estimation give the Commander, JTF-7 all the authority he needed to direct tactical tasks.

Q. Okay we'll come back to that in a little bit and talk about that a little bit later down the road here. Just to set me straight as we move into this next phase of questions and discussion here, if I were to draw a task organizational chart depicting theater C-2 during phase III it would be from CENTCOM to CFLCC to V Corps?

A. Correct.

Q. Now what about after 15 June when V Corps became CJTF-7; could you describe it how that chart would look?

A. Yeah it went from CENTCOM to JTF-7.

Q. Where would CFLCC be?

A. On the same command line.

Q. On the same command line as?

A. Because we did not have a command and control relationship with the JTF-7.

Q. You had a coordinating ----



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A. We were coequals. We were coordinating.

Q. You were co-equals?

A. [Affirmative response.]

Q. And so you were ----

A. Just like the relationship with JTF 180 in Afghanistan.

Q. Okay.

A. Under Central Command's command and control on the 15th of June it went from Central Command to CFACC, CFLCC, CFMECC, CFSOC, JTF-7, JTF-180, JTF-HOA.

Q. Okay and like you said, CFLCC and the Air Force are all off on the side?

A. Check.

Q. Okay. Now moving on here; in June of 2003 when CTF ORD was established a vast increase in responsibilities began. CJTF-7 grew to 180,000 and was charged with phase IV task and direct support to the CPA. What planning assumptions did CENTCOM provide for the direct support to the CPA to either you or through you or during the standup of V Corps as the CJTF?

A. I do not recall any specific planning assumptions that I took from Central Command. I can tell what the assumptions that we made were because I've got them right in front of me.

Q. Okay.

A. They were: policy guidance and end state will evolve over time; Asymmetric strength to CFLCC forces will exist in phase IV; non-DOD agencies, e.g., Department of Energy, Justice and State will contribute to Iraq recovery operation; some essential infrastructure (rail, airports, power generation, bridges) will be damaged due to combat operations; national organization, non-governmental organizations will request CFLCC support with at least force protection CSS in humanitarian assistance, supply distribution; coalition forces will participate in phase

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IV; the TPFDL, Time Phased Force Deployment List Flow (modified), will continue until completion and finally - International Organization and non-governmental organizations already operating in Iraq but some will cease activities by A-day. Now that -- that final one was because we began our planning for phase IV before D-day. The only assumption that didn't hold true was the second one, the TPFDL flow (modified) will continue until completion; well you could say it was true because it was stopped by a decision of the Secretary of Defense. So those forces that were approved to flow did and those that weren't approved did not. But those were the assumptions that we used.

Q. Okay.

A. And the CFLCC/C-5 developed those. They were briefed to the Central Command. I did not personally brief them to the [unknown acronym sounds like 'sink']. I assume he saw them because our plan was approved -- Eclipse II was approved by Central Command.

Q. Was there any specific guidance or directive from CENTCOM?

A. Only that which existed until 3V and phase IV. that had been published in January '03.

Q. Okay. Now what I was getting to in addition to that with regards to CPA or anything like that.

A. There might have been fragmentary orders that were published when ORHA went away and CPA but I did not see those. Here again, this is just -- we also -- me and CFLCC also did a plans to ops handover of Eclipse II in late -- actually around mid-May in advance of the realization that we were completely in phase IV operations and our headquarters split and went forward. About that time until we were told to get transitioned from CFLCC, as JTF-7, to V Corps' JTF-7, the C-5; my guys, were working on the theater engagement strategy, were working on retrograde of forces and how we would reconstitute the Army preposition [unintelligible word, counter 180] of equipment in theater and other things like that because the plan was no longer a plan it was an operation. It was an operation's order and it was being executed so we'd done that handover.

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Q. Okay. What happened to the CFLCC staff, then, after the 15th of June? Did you begin to redeploy what was left in theater, those type of things?

A. Yes. We looked at -- you have to remember that a number of folks from the CFLCC staff had been deployed since about the 14th of September '01.

Q. Okay.

A. And so we looked at who'd been deployed the longest and started to send those folks home because we assessed that, you know, the staff that we had in theater could continue to do what we were charged with doing at that time which was, in essence, running the RSOI and Forces Command and the retrograde of forces leaving as well as doing the other theater engagement and strategy refinement tasks.

Q. Now at this time was there also a remnant, if you will, back at Fort McPherson?

A. There was a very small rear detachment of, as what you'd imagine guys who were too close to retirement to deploy, folks that had been injured or taken ill; things like that ----

Q. Now was part of the reason to redeploy some of these guys was to restart or reinvigorate the McPherson staff to go back to the more, what I'll call, traditional role of theater support?

A. The first and primary purpose was to get people rested.

Q. Okay.

A. Because as I said, some of the folks that worked for me between September '01 and July of '03 had been home -- none of them had been home for a continuous period of longer than 25 days.

Q. Okay.

A. So they were just flat burned out so that's what we were doing. Now after a period of rest, the thought was

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that we would try -- we would have to achieve some sort of a steady state so that there would be operations being overseen and planned for in Atlanta and portions of the staff ----

Q. Could you hold on a second? We're going to start to run out of tape. We're going to have to switch to a second tape.

A. Okay.

Q. We'll drop off tape at 1602 and come back on shortly.

[Off tape briefly.]

Q. Okay we're back on tape. It's 1603, persons present are the same. Please continue.

A. As I was describing, at the time of right after transition of the CFLCC, 3d Army [unintelligible due to background noise, counter 233] retrograde back to Atlanta to rest and [unintelligible word, counter 234] the long term plan was to, after [unintelligible word] was to sustain a presence both forward in theater and in Atlanta to afford the commander two functioning CPs. The primary duty of the forward headquarters would be day-to-day and near-term operations, as we called the C-35 future operations. Those were a couple of weeks or maybe a month out and the long-term planning, which takes place in Atlanta it's the headquarters of Central Command and also come back to Tampa [unintelligible word, counter 420] from the J-5; at least that was the plan.

Q. Okay.

A. And that's pretty much what 3d Army stuck to although there were times when they would surge and send everyone forward.

Q. Was there a time or a mark on the wall when the three-star flag would redeploy back to McPherson or would it basically stay planted or how did that work?

A. The three-star flag was never going to -- was going to stay mobile. General McKiernan's chosen method of operation was to shift back and forth so he never

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officially left theater and came home. He would just -- he did leave theater and came home for, you know, 2 or 3 weeks then he would go back forward for 2 or 3 weeks and he would continue like that.

Q. Okay. I'm going to run through a series of quotes here. I'll ask you just to comment on all of them kind of we're somewhat starting to wrap up a little bit with some follow-on questions here. This -- I quote "The level of authorities and responsibilities of a command of this magnitude, i.e., the CJTF-7, is normally vested in a four-star level Army Service Component Command under a COCOM."

A. I disagree.

Q. Okay.

A. A JTF can be any level of command by our doctrine. It doesn't necessarily have to be a four-star. As a matter of fact I would offer that it's only on rare occasions that it happens to be a four-star. Look at Korea; that was a result of the end of the war and in that case the Army component in Pacific Command is a three-star. In the Central Command AOR, the JTF was a three-star because that was the headquarters that we had. It can be a four but I wouldn't say that's routine.

Q. Okay. Second quote, "We note however, in terms of its responsibilities CJTF-7 was never fully resourced to meet its -- to meet the size and complexity of its mission. The joint staff, CJTF-7, and CENTCOM took too long to finalize the JMD," and what they're pointing to is that the JMD was never finalized until December of 2003.

A. I would offer that it wasn't filled until about that time. It was finalized ----

Q. Okay.

A. ---- when I left Baghdad on the 15th of June, I don't remember now but I know what the JMD said. We all -- we and let me be more precise; officers on the V Corps staff, officers on the 3d Army CFLCC staff, we all knew what was supposed to be there. We also knew that all those guys and gals couldn't come out of 3d Army headquarters and

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rotate into V Corps headquarters so hence the joint manning document.

Q. Was it really a joint manning document or was it an Army manning document?

A. It was an Army manning document.

Q. Okay.

A. The argument that the Navy component and the Air component made was that JTF-7 didn't need to have a Naval or an Air component because their headquarters; the Air Force and Navy respectively, could do those tasks for JTF-7 and JTF-7 wouldn't have to worry about it. JTF-7 was primarily a land operation; therefore it was primarily going to be Army. Even our Marine brothers were dragging their feet on filling billets that we thought were going to be Marine.

Q. So then the responsibility for vetting the document and putting it all together fell to CFLCC and fell to the Army guys to make it happen?

A. Yeah.

Q. Okay.

COL (b)(6)-2 & (b)(7)(C)-2 What did CENTCOM say about all of this?

A. CENTCOM -- there wasn't one voice talking for CENTCOM on this. The understanding became that, 'Look there's a joint manning document and JFCOM, you're supposed to be the joint force provider, you've got to fill it.'

Q. And so JFCOM did nothing?

A. To what I saw that is an accurate statement. The only folks that I saw reinforce V U.S. Corps were folks that came out of the CFLCC staff and those primarily had come from the original gang from JTF-4. We did have other officers and NCOs and soldiers who were on our staff who stayed with V Corps on a volunteer basis to fill joint manning document billets.

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Q. Okay somewhat of a hypothetical; given the fact that serving on a joint staff or a joint organization such as a combatant commander, you have a variety of officers from different services that interplay with each other and it doesn't matter about what the level of support is coming from where but the staff expertise that they bring to the fight, whether it be a CB from the Navy, ALO from the Air Force, an Air Force engineer for base security and stuff like that; why do you feel or can you provide a perspective as to why CENTCOM didn't force this -- was not more forceful in trying to get the proper joint staff on board for this organization?

A. I don't know that they weren't more forceful, I really don't.

Q. Okay.

A. They could have been out there beating the bushes and beating up everybody on the joint staff of Washington. I just -- I don't know.

Q. Did CFLCC try to beat up Army or go to CENTCOM with their concerns or did they --

A. Yes ----

Q. Okay.

A. ---- both Central Command and to the Army staff.

Q. And what blow back did you all receive from that?

A. On individual levels was, 'Guy, don't you realize that the Army is real busy and we have other headquarters we've got to fill,' and official responses were, 'We've tasked out to units and we're in the process of adjudicating the requirements and all that's going to take time but we will fill you.'

Q. Okay, got it.

A. But see the Army staff, quite rightly, is sticking only to billets that were tagged Army on the joint manning document and I don't blame the guys and gals on the Army staff for doing that.

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Q. I understand that. And then the blow back coming from the joint side of the house was basically, you know, we're working the reclamation and all those other type of things?

A. Yeap, as well as what I said, you know, that CFACC and CFMC, for example, you know maybe in error were, 'We can do for JTF-7 what JTF-7 needs to be done from our own headquarters [unintelligible words due to background noise, counter 310] -- naval officers on their staff.

Q. Okay. Another quote; "When there was a realization that CJTF-7 was not going to work as established, evidence indicated that Lieutenant General Sanchez and General Abizaid began working in the summer of '03 to get a four-star headquarters into theater." Were you aware of this and if so, did you or the command participate in meetings or decisions regarding this initiative?

A. No I was not. I left theater on the 5th of July and as soon as I got back I started to move on reassignment orders.

Q. Okay now immediately prior to your departure, was there an impression that there was an insurgency and it was growing and if so, if that was an impression that was starting to appear to the command, did this cause for a change in CFLCC operations or support to the CJTF?

A. No, there was not an appreciation that it was an insurgency. What we felt was that we had not completed the defeat of regime element and that given the ease of the availability and quantity of weapons; explosives and ammunition throughout the country, that they were former regime loyalists who were trying to disrupt the establishment of a new [unintelligible words, counter 325] as long as they could. What we did do is really start paying attention to the training of convoys because we were sending, you know, sustainment convoys out of Kuwait into Iraq every day and that became a focus of effort.

Q. Okay. Was there any commentary about CENTCOM -- from CENTCOM about indications -- warnings and indications or anything like that?



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A. Not that I recall. We were all concerned about the rise and at that time it was still kind of slow -- you know the rise in the number of incidents.

Q. Okay. Were you aware of any specific requests or status reports that suggested the TACON units were deficient in personnel and equipment prior to your departure?

A. I was unaware of any request. What I was aware of was the fact that a number of those RC units came over at less than C-1 because the -- our Army could not find enough units rated C-1 under the unit status report system to send over so we were starting to take units at C-2 and C-3.

Q. Okay.

A. Because we had to because that was the reality of the units.

Q. Now was there any -- going back then once these units, I'll say 'showed up' to go back and try to get them more?

A. I don't know.

Q. Okay and then a follow on question to that would be, was there a reluctance ----

A. It would be different if a guy came over at 80 percent strength personnel, it would serve no purpose to bring him up to 100 percent strength and equipment if he couldn't man the equipment.

Q. No, correct ---

A. ---- the stress plan was make sure that if he was 80 percent, he was 80 percent across the board so that everybody had a truck, everybody had a weapon, everybody had radio; things like that.

Q. For your opinion, was there a reluctance to add forces to the theater given previous announcement that the current strength of the theater was sufficient? I'm talking about the political statements being made at that time?

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A. In all honesty, guys, I don't want to go into that. That's outside of my realm.

Q. Okay.

A. I'm not going to comment on political stuff.

Q. Okay. You do have an opinion though obviously.

A. Not one that I care to share under oath.

Q. Okay. Let me move to two quotes from the Schlesinger Report, if I could.

A. Okay.

Q. First quote is, "Once it became clear in July 2003 there was a major insurgency growing in Iraq and the relatively benign environment projected for Iraq was not materializing, senior leaders should have adjusted the plan from what had been assumed to be a stability operation and a handoff of detention operations to the Iraqis. If commanders and staff at the operational level had been more adaptive in the face of changing conditions, a different approach to detention operations could have been developed by October 2003 as difficulties with the plan were readily apparent at that time." Can you provide any comment or perspective on that?

A. I'm trying to find -- what page is ----

Q. That's page 47.

A. Okay. I scrolled past it. I need just a second. I want to read it. [Pause] I disagree with the first line. I do not believe it was clear in July 2003 that there was a major insurgency growing.

Q. Okay.

A. At the time -- when I -- I mean I left on the 5th of July. There was an increase that was -- it was a significant -- yeah because there had been none for a while. Now was there an increase in incidents across the country? Yes. An insurgency implies there was a controlling headquarters or a controlling hand somewhere.

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At that time, and I'd like to think that I'm a pretty savvy and educated officer, it was not apparent to me that there was a major insurgency growing. There was an increase in incidents that appeared on one level of analysis as isolated because they were distributed all around the country. The relatively benign environment projected for Iraq was not materializing. Sure, okay. Adjust the plan to what? It was still going to be a stability operation. Stability operations involve elements of offense and defense as well as stability operations in terms of reconstruction and support to NCO's.

Q. You're talking about the phases of peacemaking and peace keeping and their inner-correlation?

A. Absolutely.

Q. What about this; "If commanders and staffs at the operational level had been more adaptive," was the CJTF an adaptive organization the way it was put together?

A. Now we're talking about V Corps ----

Q. Yes.

A. And the V Corps Commander and honestly, I don't know. When I completed the handover of my tasks [unintelligible words, counter 381] I'm not waffling here but I was shifted to other tasks. The major task I had from about the 16th or 17th of June, because in all candor when I got back to Camp Doha, I slept for about 20 hours, was to develop -- first was to develop a briefing for the Kuwaiti General Staff or Joint Staff on what happened and what our projections for the future were in terms of theater engagement strategy and to engage with the [unintelligible word, counter 386] J-5 on theater engagement strategy in a post-Saddam region or era as well as the continued monitoring of the arrivals multinational division forces.

Q. Do you think that the V Corps had sufficient tools to be adaptive?

A. Sure they did.

Q. Okay.

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A. Because they had a lot of SAMS grads and SAW grads up there, not that you need those kind of people to be adaptive but those folks were staffed with war college grads, staff college grads and all that. They were ----

Q. Well what about enough tools given the fact that you've got the tremendous split between CPA -- you know they're operating at the -- really the -- beyond the operational level and they're also operating at the squad level. Do you think they had enough tools?

A. No because the joint manning document wasn't filled.

Q. Okay.

A. Part of the JMD was an increase in the grade of their staff officers.

Q. Okay.

A. So that's another reason why CFLCC staff had all those flag officers. So no.

Q. Now the last probably quote also on page 47. I'll just start and see if you pick up on it. "Responsible leaders who could have set in motion" -- have you identified that?

A. Got it.

Q. "the development of a more effective alternative course of action extend up the chain-of-command and staff to include and it lists the chain-of-command and it talks about the director of -- you know, the commanding general for the CJTF-7, the commander for CFLCC, the commander of CENTCOM, the chairman of JCS. It implies a vertical chain-of-command. Is that correct description of the chain-of-command?

A. No because JTF-7 did not work for CFLCC.

Q. Okay.

A. Did we have an interest in what happened? Of course we did. They are our friends. More than that we had a responsibility to continue to sustain the JTF but it

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was not -- first of all it would have been damned bad forum for the commanding general, CFLCC to go down and say, 'Hey Commanding General, JTF-7, here's the way to do it better.' Were we having informal talks staff-to-staff? You bet your life we were because, you know, I was talking to my counterparts on the V Corps Staff, now JTF-7, because I was the guy who'd spent the war [unintelligible word, counter 416] working with Central Command.

Q. Sure.

A. And so I was -- yeah, I was talking to him. I was talking to him every day until the day I left.

Q. What about the last sentence there that -- I think paragraph -- "In most cases these were errors of omission but they were errors that should not go unnoted."

A. I agree and that's part of the after action review process.

Q. Okay.

A. What did we do? What didn't we do? How can we do it better next time? I absolutely agree with that but I would also offer that, you know, the only infallible person who ever lived was crucified so ----

Q. Got it. Now why didn't CFLCC or ARCENT jump in and help CJTF-7 with greater staff augmentation when they realized it was going to be an Army mission and the insurgency is beginning to grow in August/September timeframe?

A. I don't know. I wasn't there.

Q. Okay you had already moved on?

A. I was gone by the middle of July.

Q. Okay.

COL (b)(6)-2 & (b)(7)(C)-2 Did you talk to anybody that might have some insight?

A. Actually no, I did not. The guys were either in between Atlanta or Camp Doha or Camp Arifjan. My successor

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was onboard and I didn't want to appear to be the nosey former guy interfering with the guy who relieved me so ----

Q. Sure.

A. ---- and he didn't call me so I mean I -- you know, it's just that courtesy thing.

COL (b)(6)-2 & (b)(7)(C)-2 Hey (b)(6)-2 & (b)(7)(C)-2 I want to go back just a little bit while you were still downrange. Did you guys are JTF-7 ever request any additional forces?

A. We never requested more forces than that were already apportioned.

Q. Okay. Was there any request that came up from V Corps or the CJTF after it stood up right before your departure requesting for more forces?

A. Not to my knowledge, no.

Q. Okay.

COL (b)(6)-2 & (b)(7)(C)-2 Do you know if CJTF-7 ever requested any after they stood up?

A. We didn't when 3d Army was JTF-7. I know that for a fact because that was -- part of my job was force flow. As far as I know until I left, V Corps did not request anymore forces. Frankly guys there were none to be had once OSD stopped the force flow and said 1st CAV wasn't coming that was it.

COL (b)(6)-2 & (b)(7)(C)-2 Was that kind of like the directive from Washington that you're not going to get any so don't ask for any?

A. No the direction was we're going to stop the force flow because the assessment was, and this was agreed upon by Central Command, that it wasn't necessary to bring the 1st Cavalry Division into the fight because there wasn't a fight.

Q. Got it. So to wrap up this 2-hour conversation, do you have any closing thoughts or comments given everything that we've talked about today?

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A. No closing comments but a request that I would like to be provided with a copy of the transcript of our conversation once you produce it.

Q. The way we work that -- we'll talk about this off tape. The way we work that is you'd either have to come and see it or we can get you the procedure to FOIA it.

A. Okay.

Q. And we can talk about that once we're off tape and become a little less formal here. Who else should we talk to given everything that we've talked about today? Do you have any guys in particular who could, kind of also, put some perspective on all this stuff we've talked about?

A. The one officer on the CFLCC staff, he may have just retired, who was most involved in both the development of and filling of the joint manning document was Colonel [REDACTED] and I'll spell is last name, [REDACTED]

Q. Okay. And what was his job?

A. He was the Deputy Chief of Staff of CFLCC. He worked for then, Major General Blackmon, United States Marine Corps.

Q. Okay.

A. Really that's about it. [REDACTED] he lived that day-to-day. As a matter of fact he was the guy who briefed the status of the JMD on the 15th of June.

Q. Okay.

COL [REDACTED] Anything else?

A. No.

COL [REDACTED] Okay [REDACTED] I'm going to go ahead and start the read-out.

A. Very good.

COL [REDACTED] We are required to protect the confidentiality of IG investigations and the rights,

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privacy and reputations of all people involved in them. We ask people not to discuss or reveal matters under investigation. Accordingly, we ask that you not discuss this matter with anyone except an attorney, if you choose to consult one, without permission of the investigating officers.

Your testimony is made part of an official Inspector General record. Earlier I advised that while access is normally restricted to persons who clearly need the information to perform their official duties, your testimony may be released outside official channels. Individual members of the public who do not have an official need to know may request a copy of these records to include your testimony but not your personal identifying information such as your name, phone number, social security number, and things of that sort under the Freedom of Information Act. If there is such a request, do you consent to the release of your testimony outside official channels?

A. I am happy to have my testimony released save my personal identifying information.

Q. So then your answer would be yes, is that correct?

A. That is correct.

COL (b)(6)-(b)(7)(C)-2 Do you have any questions?

A. Well since I just named a guy you might want to talk to, can I give him a heads up that you want to talk to him?

Q. No.

A. Okay.

Q. But you can tell us off tape where he's located and how we can get a hold of him.

A. Okay.



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COL [b)(6)-2 & (b)(7)(C)-2] Okay I have it as 1634 and the tape recorded portion of this interview is concluded. -

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[The foregoing testimony of COLONEL [b)(6)-2 & (b)(7)(C)-2] was recorded by means of magnetic tape, and transcribed and certified by [b)(6)-2 & (b)(7)(C)-2] Closed Microphone Reporter, United States Army Inspector General Agency, The Pentagon, Washington, DC 23010.]

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Testimony of GENERAL PAUL J. KERN

Taken at Fort Belvoir, Virginia,

Between the hours of 1030 and 1245,

24 November, 2004, by (b)(6)-2 & (b)(7)(C)-2 and

(b)(6)-2 & (b)(7)(C)-2

Department of the Army Inspector General Agency,  
Washington, D.C.

[U] (b)(6)-2 & (b)(7)(C)-2 Sir, the time is 1030. This tape-recorded interview is being conducted on 24 November, 2004, at Fort Belvoir, Virginia.

[U] Persons present are the witness General Kern and the Inquiring officers (b)(6)-2 & (b)(7)(C)-2 and (b)(6)-2 & (b)(7)(C)-2

[U] This inquiry is directed by the Inspector General of the Army concerning allegations against senior officials in CJTF-7.

[U] An Inspector General is an impartial fact-finder for the Directing Authority. Testimony taken by an IG and reports based upon that testimony may be used for official purposes. Access is normally restricted to persons who clearly need the information to perform their official duties. In some cases, disclosure to other persons may be required by law or regulation or may be directed by proper authority.

[U] Upon completion of this interview I will ask you whether you consent to the release of your testimony if requested by members of the public pursuant to the Freedom of Information Act. Since I will ask you to provide your Social Security Number to help identify you as the person testifying I've previously provided you with an explanation of the Privacy Act.

[U] Do you understand it, Sir?

[U] GENERAL KERN: Yes, I do.

[U] (b)(6)-2 & (b)(7)(C)-2 You are not suspected of any criminal offense and are not the subject of any unfavorable information. Before we continue, Sir, I want to remind you of the importance of presenting truthful testimony. It is a violation of Federal Law to knowingly make a false statement under oath.

[U] Do you have any questions before we begin?

[U] GENERAL KERN: No, I don't.

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[U] (b)(6)-2 & (b)(7)(C)-2 Sir, please raise your right hand so I may administer the oath.

[U] [General Paul J. Kern was sworn and testified under oath as follows:]

BY (b)(6)-2 & (b)(7)(C)-2

[U] Q. Sir, you may lower your hand. For the record please your name?

[U] A. Paul J. Kern. K-E-R-N.

[U] Q. Your rank and component?

[U] A. General, United States Army.

[U] Q. Your position and organization?

[U] A. Formerly the Commanding General of the United States Army Material Command.

[U] Q. All right, Sir, your Social Security Number and this is voluntary.

[U] A. (b)(6)-4 & (b)(7)(C)-4

[U] Q. And an address either home or office, keeping in mind that the return address on any correspondence from this office will indicate that it is from DAIG.

(b)(6)-4 & (b)(7)(C)-4

[U] (b)(6)-2 & (b)(7)(C)-2 All right. Thank you, Sir. All right, we will go ahead and get into the questions. Sir, did you want to start or shall I just go ahead and start.

[U] (b)(6)-2 & (b)(7)(C)-2 Sir, we have some prepared questions, , but we'd like to offer you the opportunity, if you'd care to, to make any comments before we begin.

[U] GENERAL KERN: I think from--you know I've spent 41 years wearing a uniform. Almost 42. This is perhaps one of the most challenging pieces of it from the perspective of what we found that Soldiers did at Abu Ghraib and then trying to determine a cause and accountability for it. And so this is both a disturbing event from my perspective of and career in the Army, but I think in which one we did a very through investigation in trying to link all the pieces and clearly there is many

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organizations and many people involved that have to be brought into account. So I would suggest that this task that you have right now of trying to fix the final accountability with the Senior General Officers who are involved in it, is one that is both important to the United States Army and also one which is going to have different interpretations I think based upon where people were sitting and watching and seeing how the events unfolded.

[U] (b)(6)-2 & (b)(7)(C)-2 Yes, Sir.

[U] (b)(6)-2 & (b)(7)(C)-2 Thank you, Sir.

BY (b)(6)-2 & (b)(7)(C)-2

[U] Q. All right, Sir, I am going to just jump right in then to some of the findings that were made in the report and just ask you some clarifying questions about some of them and just give you an opportunity to comment on them.

[U] A. Okay.

[U] Q. The first one, Sir, "The Commander and Deputy Commander of CJTF-7 failed to provide proper staff oversight of detention and interrogation operations." And that was a finding in both your report as well as the Schlesinger Report. Sir, we have reviewed a lot of these reports and we are aware of some of the mitigating circumstances, that were present at the time that CJTF-7 was--was conducting these operations. And we are familiar with the resourcing issues, some of the personnel problems, the operating environment, and how there really never was a transition to Phase IV.

[U] A. Right.

[U] Q. And security and civility operations. So given that, can you tell us specifically in what way General Sanchez failed to provide proper oversight?

[U] A. First I think as we all believe both in our hearts and by orders that Commanders are responsible for everything that it done within their command.

[U] Q. Yes, Sir.

[U] A. So it emanates from his overall responsibility within the theater of Operations for which he was assigned to command. Second, the responsibility of the Commander is more than just what explicitly is written. It is also implicitly what you need to be able to ask the right questions of

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Staffs to get the responses that you need. And third, and this truly isn't a lack of the--of responsibility it's the--it does pertain more to the conditions. But the mission that he was given in retrospect, it was the wrong mission and it was never challenged. I was reminded of that in-- when General Abrams, Senior, Creighton Abrams, took over the command of--in Viet Nam, he asked the question what was his mission. He was never given one. So Westmoreland was operating as the Commander of the United States Army-Viet Nam, without a Mission Statement. The first question that Abrams asked when he took over was, "What's my mission?" And it really changed the perspective of it. So that has flavored I guess my thinking in this from what is the Commander's responsibility.

[U] The assumptions that went into Phase IV, that you would be in stability and support and the mission to send people home turned out to be wrong. And in fact he was in an insurgency operation which increased in intensity during that entire peak period and the people that were being sent home needed to stay. Military Police, check points, who were responsible for detention facilities in this particular case and then the Military Intelligence organizations necessary to build the intelligence picture, that was theirs. So that's sort of an overarching statement of the conditions in which he was operating. And then clearly if we had put him through a BCTP type, Battle Command Training Program type exercise I think this would have all come out. The mission and task would have been reviewed in some detail rather than taking a Division Commander, throwing him into a Corps Commander Headquarters, taking away half his staff; and saying you now have a mission as a Combined Joint Task Force Headquarters.

[U] And so the conditions made it extremely difficult to go back and do that kind of a BCTP type analysis. A rigorous task analysis of the missions that would have resulted in answer--asking the questions, should I expect that the number of detainees is going to increase or decrease? Should I have the right--do I have the right command structure? Do I have the right missions assigned to CFLCC and CJTF where we had the 800th Military Police Brigade assigned to one Headquarters and the Military Intelligence Brigade assigned to a second Headquarters with the responsibility delegated to a Deputy. Were those subordinate Brigades?

[U] And that part was not done. Now, while we criticize both General Sanchez and General Wojdakowski on that process, we didn't give them the time or the resources to do it either. And so while we fault them as being the Commander and Deputy Commander, it was much more the environment that we threw

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them in. But in the end they're accountable for their command and you cannot take that away.

[U] Q. Yes, Sir. You said earlier in your statement that CJTF-7 was given the wrong mission. What was that wrong mission and who in your view gave it to them? Was it difficult to state it or did it--

[U] A. If you go back and look at General Jones' report and he went back and looked at all the orders and FRAG Orders that were given. It was the basic order that was prepared for Operation Iraqi Freedom which was a phased operation. General Sanchez was given the mission of assuming command of first V Corps. Then within a few days, V Corps being disestablished and reestablished as a Combined Joint Task Force, without a new mission statement and without a new order being given. And so the Phase IV operation of the original mission said that he was to conduct stability and support operations. Support the Coalition Provisional Authority, Ambassador Bremer, and return forces. And that mission statement was not reviewed at that time or asked whether or not it was still current.

[U] Now, implicitly the actions that General Sanchez took it was clear that he understood that he was not in stability and support. That he was in an insurgency and his actions reflected his understanding of that; and his actions to build an intelligence picture so that he knew the appropriate missions to assign to his subordinate commands were in accordance with that. So he behaved as if his mission were stated differently but in fact the mission that he was given was not ever revised.

[U] Q. All right, Sir, can you think of anything specifically that he should have done differently? Either he or General Wojdakowski?

[U] A. I think he should have gone back to originally General Franks and then later General Abizaid and said we ought to restate our mission. And in that staffing function he also should have said, and I think General Abizaid saw this, in the command structure that is created now that he needed to establish a different command structure to conduct the missions both with CFLCC and in support of Ambassador Bremer and the CPA. And what we found is that the mission statement telling him to do both stability and support what became in fact conduct insurgency operations or counterinsurgency operations and the mission to support Ambassador Bremer were unresourced. He did not have adequate resources to conduct both of those missions.

[U] Q. Did General Sanchez---

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[U] A. I shouldn't say unresourced. Under resourced.

[U] Q. Yes, Sir, did General Sanchez recognize this and make attempts to fix the shortfalls? In your view did he do that adequately?

[U] A. Yeah, I think he did. I mean he clearly recognized it based on both his statements and the discussions I've had pursuing that with both he and General Abizaid in terms of what they saw happening and then listening to his staff. And the actions he was taking. I don't think he was perhaps adamant enough about really forcing the senior Commanders to restate his mission though and then relook the resourcing of that, with the real mission in front of him as opposed to the assumed mission that in the Phase IV part of the operation.

[U] Q. Yes, Sir. A similar question then for General Wojdakowski. Can you think of what specifically he should have done differently given that he had the responsibility of direct oversight of those two Separate Brigades?

[U] A. And this is very easy to say retrospectively and very hard to do, because I met with him a number of times on other issues during that period. He was overwhelmed with things to do. He should have done, one, the same thing I just suggested as to General Sanchez. As his Deputy he should have got back to General Sanchez and say we need to restate our mission and relook these. These tasks that we've assigned. And I think out of that would have come a new command structure where the MP Brigade and the MI Brigade would have fallen under the same command structure and a single person would have been put in charge of both. In particular when you take it one notch down and--and if you look at where General Wojdakowski was focused we had a staff running Military Intelligence Operations and we had a Commander, MP Brigade, running Detention Operations and they weren't integrated. And that was--that's both a failure of our own doctrine and training I think to bring those pieces together as well as the command relationship that was established there. Not challenging what they had in front of them saying this is not effective.

[U] Q. Sir, you said that they had a staff running intelligence operations whereas they---

[U] A. Well you--if you can find a set of orders that assigns intelligence to a commander at Abu Ghraib I will be amazed. They created a JDIC. That was a staff function. They reported back up through staffs through the intelligence operations. And so the MI Brigade Commander was never assigned a

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task or a Battalion subordinate commander of conducting intelligence operations in terms of interrogations. It was assigned to a JDIC which never really grasped the mission. And that was one of our issues with Lieutenant Colonel Jordan, who never acknowledged the fact that he was given the mission. There was no command structure underneath that where you have Company Commanders and First Sergeants overseeing their personnel. And that's really the nature of the way we have done our military intelligence operations almost historically. Where we break them down into Teams and task organize them and they lose that command structure. It was very clear on the Military Police side that you had a MP Brigade which was responsible for detention. It was less clear then on Military Intelligence side who was in charge of interrogations. And it became a staff function rather than a command function. In my view it should have been assigned to a Military Intelligence Battalion Commander.

BY (b)(6)-2 & (b)(7)(C)-2

[U] Q. Sir, let me follow up on that. The answer can be one of two. Who do you believe the JDIC worked for? It sounds like you believe they worked for the CJ-2. Is that correct or did they work for the 205th?

[U] A. Well, I mean we kind of drilled that. They really worked for the Three. Operations are--come under the Three, but it was never clarified that way. Miller was never given that real task of pulling those as an operational consideration to give that mission until they sent General Miller back over there and said you're in charge of detention and interrogation. That was not done.

[U] Q. But at the time--at the time of your investigation, Sir, --

[U] A. It's unclear who was in charge of Military interrogations.

[U] Q. Unclear.

[U] A. Because it was done as a staffing function with information it collected--now they created a JDIC but find an order that says who does the JDIC report to. Where is a Commander involved in that? In that chain of authority. There isn't one. Its reports that are provided through a staffing function.

[U] Q. Sir, if I were to make the statement, the JDIC worked for Colonel Pappas and it was a command function. How would you respond to that?

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[U] A. I would--I would have said that that would have been a correct way to do it. I would have rather seen rather than Colonel Pappas that there'd a Lieutenant Colonel Battalion Commander as opposed to a--the JDIC staffing function. And we were creating an organization, the JDIC, which is an emerging doctrinal organization. Not one of which you can go pull out a manual and say here's how you do it. Here's how it's staffed. Here's how it reports. And then we put a Lieutenant Colonel in charge of it who never acknowledged. Who hasn't at least to my knowledge has never acknowledged the fact that he was in charge. The staff, anyone on the staff, we talked to never thought he was. Now--and then Pappas, was given--still had authority and responsibility across the entire Country or Iraq for the Military Intelligence activities. Not specifically for interrogation activities And so I--I never found any order unless you could show me something that said that you know the JDIC reports to the MI Brigade.

[U] Q. Did you have the opportunity to discuss that with Colonel Pappas, Sir?

[U] A. I did not. No.

[U] Q. So you don't have any insight as to what he might have believed as far as his ownership or responsibility?

[U] A. I think he felt ownership for all the intelligence interrogation operations. The JDIC being one of them. But there are no orders specifically that I know of that directly say that. I mean the MI Brigade was assigned a number of missions but they covered the entire operation and then he specifically then was given a second in the FRAG Order that directed him to be in charge of the security. Not interrogation at Abu Ghraib. So you have kind of an overarching order where you would--you would assume that there's an implied mission that all interrogations are to come through him as a tasking. But there's no specific order that says once we created the JDIC that it reports to him.

BY (b)(6)-2 & (b)(7)(C)-2

[U] Q. Sir, the interrogation policy letters that we'll talk about in more detail a little bit later, included language that indicated that the 205th MI Brigade Commander would ensure that the interrogators were trained for those specific techniques. That he was responsible for interrogation plans; that he was responsible for certain levels of approval for certain techniques and insuring that the various controls were in place.

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And that's--that's in the policy letter signed by General Sanchez. So----

[U] A. Not early on but later on.

[U] Q. Right. I'm talking about the September letter and the October letter. Which would lead one to assume that the 205th MI Brigade Commander had responsibility for those interrogations.

[U] A. I agree. I think he had responsibility for all the interrogations that were taking place throughout the country not just at Abu Ghraib. I don't think there was any question about that.

[U] Q. Yes, Sir.

[U] A. The problem that I have with chains of authority and command is that the JDIC--there is no chain of command that the JDIC falls under and there is no--the problem--and this is not specific just to this MI Brigade, it's the way we've orchestrated all of our Military Intelligence over a long time. The chain of command disappears. You break them down into teams and these teams--and in this particular case were created out of ad hoc organizations because they just got people with the right MOS from different command structures and put them into this organization. So the part that fails in my test of this is that there's no order that assigns a commander in charge of the JDIC, whether it's a Lieutenant Colonel reporting to that MI Brigade Commander, with Company Commanders responsible for the oversight of how those Soldiers assigned there would behave. In our Military Intelligence organizations historically this has never captured that and we've never really put them under the pressure that they were here to reveal some of these challenges. That's my opinion.

[U] Q. Yes, Sir, where should that order have come from?

[U] A. Well, I think the order should have come out of the CJTF Staff, and that's one of our recommendations that they should have written clear orders on how that chain was to work, and that did happen afterwards. There was a new order written.

BY (b)(6)-2 & (b)(7)(C)-2

[U] Q. Sir, you mentioned earlier General Miller, General Tom Miller's----

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[U] A. Right.

[U] Q. --responsibility as the operations guy to overwatch the detainee and interrogation functions. Did he have a responsibility in the interrogation function as the C-3 in your mind?

[U] A. None that was evident in my mind. He had a responsibility from an operational standpoint to assign missions and tasks and resource them. And I--and I didn't--you know I don't think that ever got there.

[U] Q. Much of what we've learned, there is quite a clear picture painted in the minds of folks we've talked to about a clear delineation of CJ-2 responsibility for interrogation operations versus the C-3 responsibility for detention operations. And most people seem to paint a pretty clear separation between the two as far as what General Fast's responsibilities were and General Miller's responsibilities were. Do you see those in the same light, Sir, or do you think C-3 should have had a greater role in the integration of the intelligence and interrogation aspect?

[U] A. I agree with you on all the things that we found on how people saw the C-2/C-3 roles. I do believe however that the C-3 should have had a stronger role in bringing those pieces together. Not keeping them as separate staff functions. And it's very clear when you go back and you ask, in our view, my view personally, from all the reports and investigations that the Military Policeman were receiving directions from Military Intelligence Personnel. But neither of them truly understood on either side of their areas of responsibility what their boundaries were. And that was both this lack of an integrated C-2/C-3 approach to interrogation processes. And a doctrinal and training problem that we have the way we train detention operations and intelligence operations.

[U] And one of the things that we found is there is--there had been an annual exercise where they should have come together and it didn't occur. So these units had not worked together; and therefore when you separate them in C-2 and C-3, kind of world one for detention and one interrogation, the boundaries between them were unclear. And so if a MI person--it could be a contractor not just a Soldier--told a detention Military Policeman to do something, it was unclear to them as to who really had the right authorities. And it's a murky area I think that we're all trying to sort our way through in this particular one because it's one that doesn't happen very frequently where you have this large scale kind of an operation under these types conditions.

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[U] Q. Well one of the challenges we have obviously is a lot of decisions and a lot of events converge around this whole JDIC situation.

[U] A. Right. Yes.

[U] Q. And that's--obviously that's one of the places where we're trying to get greater clarity.

[U] A. Right.

[U] Q. I think we have a pretty thorough understanding of what people did. And what people believed they should have done, but what we're trying to get some assistance on is what folks should have done.

[U] A. The 'should have' one becomes one of interpretation because there is no doctrinal organization processes to deal with the JDIC, and so we were creating that as we were going. I say 'we' the CJTF was doing that. And I think the abilities that General Fast brought into it when she was asked mid-stream to come in and set this kind of an operation up were all done with the best of intentions and the best capabilities that could be brought to bear in there. Where we came up short is since nobody had an established organization or chains of command is how that the pieces were to fit together. And we further complicate that when you bring in the CIA and other organizations who would intervene in this process periodically who were not in that chain of command either with the ISG piece completely set aside reporting to CENTCOM.

BY (b)(6)-2 & (b)(7)(C)-2

[U] Q. Sir, what responsibility in your view did General Fast have to establish that chain of command or chain of authority at the JDIC?

[U] A. In my view she had a staff function to provide military intelligence, analysis, and advice to the Commander. And the Commander then has to--a staff officer of any rank cannot write an order unless it's delegated to them and it was never delegated to the C-2 that you can sign an order to do that. C-3 normally is the person who is issuing orders. Not the C-2. So she was doing the staff analysis, building the structures, making the recommendations and doing it. And I think as you've reported and found reported that there was a distinct distinction between the two. They never really did come together where the C-3 picked up any staff integration requirements. So, okay, the C-2 says they need X number of people to man the JDIC

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and we need another number of people to man the detention operations; and there is some interface between those two where somebody may come out of the JDIC and say put this person into solitary and so there's an automatic establishment there de facto. But there is going to be some interchange between those two functions. And that's the part I think we have not come to grips with is how that should occur.

[U] Q. Yes, Sir.

[U] A. And the only way that you, as a Commander, can fix that is write an order. That says this is who will be-- make the decisions and who will be in charge. Is it the Lieutenant Colonel who is running the JDIC or is the Lieutenant Colonel who is running the detention facility; or is it the Colonel who is out there running the MI Brigade? And that's part that from a strict command and orders that I found to be missing in this structure.

[U] Now, I don't know if you have any evidence of anything different but I couldn't find any.

[U] (b)(6)-2 & (b)(7)(C)-2 I don't know if I could say I've seen something like that at this point or not.

[U] (b)(6)-2 & (b)(7)(C)-2 No.

[U] GENERAL KERN: After the fact there's been stuff done.

[U] (b)(7)(C) Right.

BY (b)(6)-2 & (b)(7)(C)-2

[U] Q. Sir, at the time, CJTF-7 was new.

[U] A. Yes.

[U] Q. People were new. They went into what they believed was one situation and obviously encountered something else. Given all the operations that were on-going at the time, the search for WMDs, the search for all the folks in the deck of cards--

[U] A. Right.

[U] Q. The reintegration of Abu Ghraib under the Iraqi National Prison System and the growth of the prison population, should those kind of decisions been apparent at the time, do you think, given the complexity of the situation and

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what officials such as General Sanchez and General Wojdakowski knew at the time?

[U] A. That's a difficult question. And if I could just put a footnote on it. I just had, yesterday, spent briefing the Abu Ghraib findings to a group out in the West Coast. And the former Secretary of Defense Bill Perry was there. And he asked me the question. He said, "Did anybody highlight what would happen after the Baath Regime was taken down and the Iraqi Army was defeated in terms of insurgencies and potential for detainees et cetera?" And I said, "Not to my knowledge." I wasn't part of the early staff planning so I don't know what occurred in all of those discussions nor did I find any of that in our investigation. And his comment was, "Going into the Balkans when we sent the 1st Armored Division in we spent an awful lot of time discussing that that was going to be the outcome, insurgencies, detention operations, et cetera." Which raised another set of questions to me did that occur. And I don't know that it did. And I think our focus had been on--and this is an assumption I'm making. That we looked at defeating the Iraqi Army as clearly the primary task at hand when Iraqi Freedom was initiated. And so the CENTCOM focus was on Phases I, II, and III. I think there was an expectation and since I wasn't part of it nor did I see any evidence of it, this is an assumption on my part. That it was going to be much like Desert Storm when Phase III was completed. And that you're going to have a large number of EPWs not detainees. And that you would decide what to do with them and then they would go back into the general population after some agreements were made. And we would have peace, stability, and support. Not an insurgency. And so I have to believe that based the way that order was written that's the way the thinking went and that's the way the discussions were promulgated. Not around the fact that there was a highly--high probably that an insurgency would occur and that there would be a large number of detainees who we would have to deal with after the defeat of the Iraqi Army.

[U] I also gave the Kermit Roosevelt Lectures in England this past spring. And I was challenged by the--this was April before I was given this mission. I was challenged by some of the students there. Their War College is the equivalent National Defense Universities. Why weren't we prepared for the insurgency? Why didn't we know this was going to happen? And in the British planning, documents, they had those assumptions. I don't believe they were in ours. At least I don't--I saw no evidence of that. Both by the orders that were written and by the actions that were taken. And so I had in two cases I've been questioned since then why weren't we more prepared for these types of insurgency operations and detention capabilities, and I have to believe based on what I know, that we did not adequately

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assess that part of the situation. And so the organizations that ensued were not adequately structured to take into account what happened.

[U] We didn't--we established the CJTF but we didn't have a Manning Document for a CJTF. The orders that sent Military Police home and not prepare for future detention of larger numbers. We did not go out and prepare for intelligence collection operations to determine the leadership and targets of the insurgency. All of which were things that General Sanchez did. But he did it based on events that were unfolding and implied tasks that he had rather than on orders that were given either originally or subsequently.

BY (b)(6)-2 & (b)(7)(C)-2

[U] Q. Yes, Sir, when you speak of planning for this potential insurgency, can you differentiate between CJTF-7, CFLCC, or CENTCOM responsibility in regard to recognizing that potentiality?

[U] A. The way we established the borders between CFLCC and CJTF-7, which nobody I think was terribly comfortable with retrospectively, where CFLCC was responsible for everything south of the Kuwaiti borders and CJTF-7 everything north, and then you had an MP Brigade that was split between them, suggests that CFLCC was sort of cut out of the operational side of it during that period. They were part of it up till the Phase II, Phase III, and in Phase IV were cut out of it. And so the players then are not CFLCC. They're the CJTF-7, the CPA, and CENTCOM. And I don't know--understate that because I think Ambassador Bremer and the CPA played a large role in direction given to General Sanchez. And the amount of time and resources he spent responding to that. In his Mission Statement, going back to Phase IV Operations, said support CPA.

[U] Now, where you start getting into, now okay let's back off to say we're a CENTCOM's role. Now, CENTCOM then had an integrating responsibility across that, but they also had to deal with the Horn of Africa, they also had to deal with Afghanistan, their Headquarters. But between Qatar and Tampa, not being in the Baghdad area, ended up defaulting many of the assessments and decisions directly back then to General Sanchez and Ambassador Bremer working together. Could have and should have CENTCOM played a stronger role? Yes, I think they should have.

[U] The ISG reported to them, not to Sanchez. And so you had a split there of intelligence activities as you suggested with a focus on WMD and other fifty-two high priority targets. It was a great frustration in talking--and I did not

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talk with General Franks, but talking with General Abizaid of the lack of cooperation with the ISG in supporting his operations. They had--they were far better resourced at the proper level with the ISG than they were at Abu Ghraib with the CJTF-7 efforts and so that was a frustration that he displayed or he reflected.

[U] And then you had--so you have in the middle of it, Bremer and Sanchez almost co-equals in terms of it, but by the way we operate, we look at the Ambassador role that Bremer was playing as being the "Senior Country Team Leader." And so there's almost an implied role there of subordinating the CJTF to the CPA. I say 'implied' not 'stated' because it said support. It didn't say you're subordinate. And so CENTCOM therefore should have been the integrating Headquarters to play a stronger role in that. But again, we had a change of command and a change of structure taking place there with General Franks departing and General Abizaid coming in. So that--you had lots of transitions. I mean one of the things you might want to do is, is just stack up the number of transitions and changes that were taking place--

[U] (b)(6)-2 & (b)(7)(C)-2 Sir, we've done that----

[U] A. --through out that whole process. And look when these things--when these events occurred and it's all during this period of transitions of Headquarters and lack of clarity as to who was responsible between CJTF-7, CFLCC, CENTCOM, CTF. And so there's a lot of confusion. Now, and that was one of our conclusions. Who is in charge? Not clear. Particularly the interrogations side of it.

[U] (b)(6)-2 & (b)(7)(C)-2 All right, Sir. Sir, some have argued that in retrospect, General Sanchez and perhaps General Wojdakowski should have--and I don't really want to say "seen this coming" but should have seen these indications and warnings that surfaced at the CJTF-7 level that indicated there were problems at Abu Ghraib. And the incidents that were cited in your report included the incident at Camp Cropper, the ICRC Reports at Abu Ghraib, the CID Investigations that were going on; specifically at the point of capture types of abuses.

[U] A. Right.

[U] Q. That were happening then. The death of the OGA detainee at Abu Ghraib and so on. How would you characterize that, Sir? Should--should General Sanchez have----

[U] A. Retrospectively there were lots of warnings. That's what we said. Retrospect is wonderful for all us, right?

[U] Q. Right.

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[U] A. My view is that the staff did--there's two things that happened to General Sanchez and General Wojdakowski that were unfortunate. Retrospectively. One, they were overwhelmed with things to do, and under resourced to do them. And so they were trying to divide their attention between supporting the reconstruction of Iraq and support of the CPA and the building of the Government, and conducting military operations. And there were not enough--there was not enough time in the day or people to do both. I'm not even, I think today, with finally with two Headquarters there, we're probably structured to do that. But clearly we were not during this period.

[U] Secondly, we should have taken the time to do a thorough mission analysis and do some rehearsals for General Sanchez taking command of the CJTF. That didn't happen. It would have even been worse if we hadn't saw that in order for General Sanchez to take over the CJTF he had to be relieved by Harold Dempsey. General Dempsey was working for me at the time in Saudi Arabia. And had just been attacked. He just had thirty people killed in the terrorist attacks that took place against his contractor support for MELCO Corporation.

[U] Q. Which corporation, Sir?

[U] A. In Saudi Arabia. This is OPM-SANG that's where General Dempsey was assigned. He was conducting a NEO.

[U] Q. Right.

[U] A. I called up Franks and said, "Hey, time out." He can't pull Dempsey out of here now to go change command with Sanchez. He's got a military operation he's conducting. And Franks said, "Yeah. Okay. I agree." So that was delayed. But we were in a--we trying to push the change of command of getting Rick Sanchez into command of the CJTF without giving him all the preparation that we give every other Corps Commander. And this more, far more complex, than a Corps Command because we were also bringing in the Coalition Forces under the Polish Multi-National Division. So as the CJTF Commander he had to reorganize a Staff; build that command structure; and he did it without the benefit of doing the rehearsals and mission analysis that we would do prior to that type of operation. And perhaps that's a process problem that we have to do in-stride changes, and to really keep all that in focus on how much you're asking one person to do. One staff. Who had just fought a war and half of them had gone home. Wojdakowski happened to be one of the few that remained. He had a Chief of Staff of the CJTF who I never met because he spent his whole time with Ambassador Bremer--a Marine. And you had people

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who were coming into organizations like a CJTF without a Manning Document, a JDIC without a Manning Document. And the pace of operations during the entire period is increasing.

[U] The tempo just keeps building and building and building. So instead of detainees going away, detainees are increasing. Attacks are increasing. Who's causing the attacks? Unknown. Have to build the intelligence picture. So while we're critical of the Commander and the Deputy Commander and the staff, they were overwhelmed with things to do. I mean absolutely. I mean I saw that every time I visited. Every time I visited Rick Sanchez before the investigation he was just more and more tired. Okay? And he was just burning the candle at both ends.

[U] Q. Yes, Sir.

[U] A. And he in retrospect--and you look at the documents and he wasn't--it's not that he wasn't paying attention to Abu Ghraib. He was telling people treat prisoners, detainees, humanely. Abide by the Geneva Conventions. Improve the security at Abu Ghraib. So he personally was doing things and seeing things. But what failed to happen is; now the simple fact that the ICRC reports had been put on his desk, I think by an IG independent of the rest of the staffs who might feel some responsibility for not properly resourcing for doing it and say you've got a problem. Well and we need to do something. Never happened. Not until after we had the young Specialist report that there were abuses taking place.

BY (b)(6)-2 & (b)(7)(C)-2

[U] Q. And of course that wasn't their procedure at the time, the ICRC Reports were being handled at lower levels.

[U] A. Right. And I just think that's flat wrong.

[U] Q. And I believe that General Sanchez changed that process after this?

[U] A. After. Right. He did. And you know we ought to view--and you know I view IGs, my IR organizations, all of our independent review we have as a Commander's benefit. A plus not as a minus. And we should be using organizations like that and also you have another independent organization the Red Cross. We don't always agree with the Red Cross. I mean sometimes they make crazy recommendations that we ought to be feeding people you know filet mignon and living in air conditioning et cetera when our Soldiers are living in the dirt and eating MREs. That's a little bit of an overstatement but sometimes their recommendations are pretty wild. But they ought to be viewed as by the Commander as

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an independent group looking at how we are perceived by the world. And that didn't happen. Not until as you suggested after. And so I think that's one of the real shortcomings is that the staff held this stuff as a staff function. Of well that's probably not really going on. That's not true.

BY

(b)(6)-2 &amp; (b)(7)(C)-2

[U] Q. Two things we learned there, Sir, I'm interested to hear your comment on. One was as (b)(6)-2 & (b)(7)(C)-2 mentioned that was--that was the ICRC process at that time.

[U] A. Yeah.

[U] Q. But that was designed to be given to the lowest level commander responsible, and the staff people that assisted in making those replies were doing that were Assistants. That procedure has since been changed.

[U] A. Yeah. Right.

[U] Q. Secondly some interesting comments we heard were that, some of the folks who read that report simply did not find it believable. Some of the stuff they read, they just felt was so outlandish that it could not have possibly been true because we asked some of those questions.

[U] A. Yeah.

[U] Q. You know did you see it? Who did you talk to? And--and those were some of the responses we heard. And I wondered if you had heard anything similar to that?

[U] A. Exactly the same. Exactly the same thing. Yeah, the process caused the reports to get staffed. People were unbelievers. And nobody went down to check it. Now could this possibly be happening? And the other assessments that I've got is they said if you believe that independent--number one, we use the Red Cross to help our Soldiers. And we have people who are captured then one of the first things we ask is for the Red Cross to go see them and report back to us. So why wouldn't we want to have that same visibility on the other side? And so it was--the process was--you know, and it's easy to go back in retrospect. Well that was just not good. It did not help General Sanchez. It did not help the US. Whether the reports are outlandish or not, we ought to say well this is an independent body which the rest of the world believes that we ought to go see for ourselves what's going on at the Command level not the staff folk. And so I--that is one of the I think the real places where we undermine

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General Sanchez' ability to take the right action not giving him that report and say, "God, look at this."

BY (b)(6)-(b)(7)(C)-2

[U] Q. Sir, whose responsibility would it have been to change that process so that reports did come to General Sanchez?

[U] A. All of our staff's processes are generally under the supervision of the Chief of Staff.

[U] Q. Yes, Sir.

[U] A. Where they run the staff functions with change processes like that, but in this particular case, as I said, the Chief of Staff was supporting Ambassador Bremer so you end up then with Wojdakowski almost becoming a de facto Deputy and Chief of Staff for the Military Operations. And so you could say that the Chief of Staff should have done that, but the Chief of Staff was assigned something else to do. And so it defaults itself back to the Deputy.

[U] Q. And did you note any evidence where General Wojdakowski was involved at all in reviewing Red Cross Reports?

[U] A. I did not see where he ever got the Red Cross Reports, no.

[U] Q. Yes, Sir.

[U] A. As far as we could determine is the most senior person that ever saw the Red Cross Report before all the abuses became apparent was General Karpinski.

[U] Q. Did she have a duty to notify General Sanchez in your view?

[U] A. She should have. Absolutely. And she had the responsibility for running the detention operations. That was clear. Her Commander, the Lieutenant Colonel, who was relieved, understood and all the Colonels who were in the Military Police, not just the Colonels but all the Military Police, understood that they were responsible for the care, feeding, welfare of the detainees. And when that report came to her, she should have, in my view, taken it directly to Sanchez, Commander to Commander and say, hey, we have a problem.

[U] Q. All right, Sir. Sir, changing tacks a little bit here. One of the findings in the report was "Leaders failed

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to take steps to effectively manage pressure placed upon JDIC personnel. Leaders within the MI Community commented upon the intense pressure they felt from higher Headquarters for timelier actionable intelligence. And these leaders stated that this pressure adversely affected their decision making." From our discussions with some other witnesses, the prevailing opinion is those leaders had failed to effectively manage this pressure were pretty much at the 205th MI Brigade level on down. Do you share that view or--

[U] A. Yes. And it has two parts to go with it I mean because there--as I said there was no chain of command there in the MI Brigade. So normally you would expect a Battalion Commander to protect his Company Commanders, and his Company Commanders to protect their Platoon Leaders; and the First Sergeants. Et cetera in the same chain of command. But that's not the way the MI Brigade is organized. You know, they--and I said in one of the earlier discussions we had they never assigned a mission of interrogations to a Battalion Commander and said you're responsible for all interrogations. And so the Brigade Commander who had responsibility for the whole country then became the only one there who had that mission. And that became just a mission far greater than any one person could handle. So the, , you know I just think the way we were structured there failed us.

[U] Q. Sir, whose responsibility should it have been to place a Battalion Commander in charge of the JIDIC?

[U] A. Pappas.

[U] Q. Yes, Sir. Okay. Sir, let's talk a little bit about the TACON relationship between the 800th MP Brigade and CJTF-7. That's generated a lot of discussion amongst folks on whether or not that was a proper relationship and whether it was dysfunctional and did that dysfunction somehow contribute directly or indirectly to the abuses. Would you like to comment on that?

[U] A. I think a lot of the discussion is smoke. I mean if--whether you're TACON, OPCON, or attached or whatever, your command relationship is with a higher, if things aren't going right Commanders need to take it to the next level of their command for action regardless of the relationship. And so, you know, we have this all the time. When you--when it's habitual and you're use to it. Where you have FSB Commanders that are in support of, direct support, but not attached to Brigade Commander. And they take mission statements every single day from a Brigade Commander. If it really gets out of hand, they go back up to the DISCOM Commander. The same thing is true with our Air

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Defense Battalions or MI Battalions. We have all these people broken out and the command relationship are TACON or some other, OPCON or attached but not very infrequently attached directly.

[U] In every case my experience has always been if things aren't going right the Commanders go back to their Senior Commander who can implement a change and say, fix it. That's a command responsibility that we all have. And so this thing about TACONs and OERs and all that to me is while from a direct authority and perhaps a legal standpoint correct, from a Command responsibility standpoint I don't believe is pertinent. I just--that's the way I've operated as a Commander through my career. Is hey, if I get some Battalion Commander, for which I have an element working for me, who may have no command relationship, but he happens to be in my area and it's not right, I'll pay attention when he comes in. And says, hey this is not right.

[U] Q. In your view would General Wojdakowski and General Sanchez have responded to General Karpinski if she came to them for help with resourcing even though technically her chain for support actually went back to the 377th?

[U] A. Yes. I think. And clearly----

[U] Q. They argued that they did.

[U] A. And there's a couple of--there is a couple of cases there where Sanchez would say, she should have been standing on my desk saying, "Hey, you dummy, you know we've got some problems going on down here and you need to do something." And that's--I don't think that was very comfortable for her to do that. You know, and so you could fall back, well I really belong to CFLCC. She wasn't getting orders from CFLCC. That the detention facilities weren't in CFLCC's area of responsibility. Nothing that was relevant was in the CFLCC area of responsibility. It was in the CJTF. And so she really didn't, in my view, have a choice but to go to Sanchez and say, "Look you've given me these missions. You have not resourced me to do these missions, and so I've got to change something or you're going to have to move...." She also took no opportunity to move people. She could have moved some of the people who were at the detention facilities up north or down in Bucca to Abu Ghraib.

[U] Q. Why didn't she do that, Sir?

[U] A. I just--that's a wonderful question. It's a failure I believe on her part to say okay, if you're going to go to the Commander, and say, all right, Sanchez, you've given me a mission. It's a mission which I can't accomplish. Here's what

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I've done. I've taken every resource that I own and I've given-- I've reallocated them so that I have given Abu Ghraib absolutely the most resources of any place I can. The only place left is the Camp Cropper of the ISG and I can't touch them because they've been directed there by CENTCOM. I need your help. We cannot conduct this mission. He couldn't, I mean he couldn't have ignored that, if she did that. But first you have to do your part say okay what are the resources I have at hand? How can I best reallocate my resources? And then how do I then want when I'm out what do I do next? Only one choice. She could have taken McKiernan with her. Said, okay, Boss, you and I need to go talk to Sanchez. I mean there's lots of ways you could do that. But you can't just sit there and not do anything.

[U] Q. Is that what it appears she did, Sir?

[U] A. In my view.

[U] Q. Did you come across any evidence, Sir, where she went back to the 377th? Her immediate higher Headquarters and asked for help, asked for resources?

[U] A. I couldn't find any. But the 377th is another story. Now I didn't investigate that.

[U] Q. Right.

[U] A. But, no, I dealt with them all the time in my role as the AMC Commander in terms of--that's where all my people were attached.

[U] Q. Right.

[U] A. And they were overwhelmed by their mission of just trying to provide the logistics support into the theater and that was just overwhelming for them.

[U] Q. In your view did they 'fail', and that might be a harsh word, to provide their doctrinally required support of the 800th MP Brigade in terms of logistics and personnel and administrative support?

[U] A. I did not look at that. So--but my judgment probably is yes, they didn't provide it. But I don't know that they were ever asked either. I saw no evidence that Karpinski went back to the 377th, either to the Commander or the Deputy, whoever was there at the time and said, hey, you know give me some truck drivers to go secure this prison. I don't have enough people. I saw no evidence of that, but I didn't investigate that

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part of it. So I'm just giving you that as my perception from my dealings with the 377th.

[U] Q. So, Sir, the report said that this TACON relationship created a dysfunctional relationship for proper oversight and effective detention operations. Can you pinpoint for us where it became dysfunctional? Because you're already-- you've kind of clearly laid out that----

[U] A. It was dysfunctional.

[U] Q. Right. But it--it probably shouldn't have been given the normal command responsibilities that----

[U] A. Right.

[U] Q. --Commanders should take.

[U] A. Right. I mean where it fell down is again it goes back to the assumptions of what Phase IV was going to be. And this whole piece kind of started snowballing on people by the time it got to the end of the summer and into the fall when the majority of the abuses took place. And so if your assumption was that we're going to be in a--it is Desert Storm II, and when it's over, it's over. And then you start sending people home. And a new Commander shows up, Karpinski, then everything looks like okay, now this is going to be a piece of cake. And each day it starts growing on you. It gets worse. And then by the time it gets to the point by late summer or early fall, August-September timeframe, where the numbers start increasing, the attacks start increasing, you have all these changes taking place at all different levels throughout the organizations. I don't think that General Karpinski had the perspective to even ask about TACON versus attached versus OPCON. She went and did her tour of the theater. Talked to Wojdakowski, understood what the mission was and never went back to challenge it, not until after the fact when people started pointing fingers at her. Then she said, well this relationship was all screwed up.

[U] So I don't--I'm not sure that she really--and we didn't--I didn't ask her, and I don't remember General Fay's many hours and pages of interrogation of her after the fact that he went back and asked her, did you ever ask for that relationship to be changed. I just don't think that happened. So when you say it's the wrong relationship but you never ask for somebody to change it, again it's the same as the resourcing problem. If you're given a mission and you take all your resources and do the best you possibly can and are still short, then you need to go back. So if it was the relationship or whether it was the resources, in either case she either needed to

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go back to McKiernan, Wojdakowski, or Sanchez or all three and say this is broken. Fix it.

[U] Q. So in your view was either----

[U] A. And I just don't think she had the wherewithal to understand that.

[U] Q. Yes, Sir, and that sort of leads to my next question, in your view, did General Sanchez or General Wojdakowski, did any of their actions contribute to the dysfunctionality, if that's even a word, or--it sounds like the brunt of that rested with General Karpinski. Her failure to understand what a TACON relationship meant, her failure to have the wherewithal to address the problems?

[U] A. In my view, the brunt of it did. On the other side, we--what we said--I think it was in General Jones' report was that General Wojdakowski having more experience than she did, being senior, should have changed either the relationship or just gone directly to the tasking through CFLCC or some other way, to fix the problems that were occurring. In my view, General Wojdakowski had so many other things that he was being asked to do, it was just one of the many tasks. And since he never got reported through him the gravity of what was going on, he never saw really why it was something I needed to put on the top of the list and go fix.

[U] [b)(6)-2 & (b)(7)(C)-2] All right, Sir. Sir, do you have questions along the same line before we talk about policy letters?

BY [b)(6)-2 & (b)(7)(C)-2]

[U] Q. I do have a question related to --Sir, you brought up some comments about General Sanchez being moved into a position of Corps Commander and then CJTF-7; didn't have the traditional training and familiarization we give our Corps Commanders as part of that process. And the numerous transitions that went on during that period between leaders. I do want to ask you with respect to General Wojdakowski and Colonel Pappas. We've heard similar comments that General Karpinski was a new commander. Colonel Pappas was a new commander.

[U] A. A new commander, right.

[U] Q. Given this big mission not only in Iraq but at this particular facility. In General Wojdakowski's position, I think at the time he was just the DCG of the Corps. He had about nine separate Brigades----

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[U] A. Right.

[U] Q. --reporting to him. And I think some people tell us as many as about eighteen under CJTF-7.

[U] A. Right.

[U] Q. Some of the people we've talked to believe that given the situation where General Wojdakowski understands he has two new, Brigade Commanders, one who needs guidance. The other who would be more receptive of it and is seeking it. Both are new to Brigades. Both are new to this combat situation. Both are in this difficult situation at this prison. One with detention. One with interrogation. And with regard to General Wojdakowski's responsibilities as the direct supervisor and Commander of those organizations, did he do enough to recognize he had these two new commanders in this particular situation they were in to provide proper oversight?

[U] A. I mean retrospectively I would say, no, he didn't do enough. But I also don't know if he had enough time to do enough. I don't believe he did. With 18 Brigades, up to 18 Brigades, depending upon when and where you count them. He had somewhat of an overwhelming responsibility. And I can throw in LOGCAP issues, and I could throw in CPA issues, and I can throw in things that are not command but are delegated to him. He was acting both as the DCG and the de facto Chief of Staff within that organization. And I don't know what the other 16 Commanders were throwing at him. That were coming at him from all the different perspectives. The Polish Multi-National Division. What new dimensions that brought into it. You know so we asked him to do an awful lot. Far more I believe than was achievable by one person in a 24-hour day. So should he have done more? To answer that question is blatantly yes. Could he have done more? That's a different question. I know his personality. I don't know Karpinski's personality. But I'm going to guess that a Two Star six foot three male General who had just been through a war and a One Star Female, Brigadier, who just showed up are going to be a little bit different in personalities in how they behave and react.

[U] No, so I know if you want to get Wojdakowski's attention you know you had better cuss at him a few time, stomp on his foot, and stare him right in the eye and say, "Do it." I don't think--you know, Karpinski wasn't ready to do that. You know that's an Infantry Commander who is put in that mission and has just gotten six thousand things to do, and everyday the priorities on them are changing. Whether it Bremer. Whether it's the Poles. Whether it's logistics. Whether it's

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operations. Or whether it's detention operations. And so he was trying to balance all those things. And that is, you know it was an almost an inhuman task to try to do all that.

[U] Q. And again the reason I asked we looked--we keep coming back to this Brigade level problem at the prison. And we're not trying to reinvestigate Abu Ghraib. We're trying to get a much broader look at what happened across Iraq and across CJTF-7. But when you get back reconstructing this whole thing and you can find a number of reasons why this occurred now with the 205th and the interrogation problems; and we looked to leadership and failures in leadership. That's why we get to General Wojdakowski. Because he was directly tasked with supervising those Brigades.

[U] A. Right.

[U] Q. Understanding what he was resourced to do. Understanding what he was charged to do, the question comes, did he fail in anyway in his responsibilities regarding, the supervision of those Brigades?

[U] A. In my view the answer is it's a matter of degree. He had, I don't know how many tasks he had on his plate. I was only investigating one Brigade. One aspect of it. So when you add it all up, it's a different question than when you just look at did he fail in the supervision of that Brigade. Those two Brigades.

[U] And--and in my view the answer to that is in the end, yes, he did. Otherwise these things would have been fixed. That's what people are paid to do. But when you put on top of that, the 16 other Brigades that he was asked to supervise and the twenty other missions that he was trying to accomplish, then the question is if I put the same lens on everyone of those other ones, I probably would have found other failures too. We put the lens on these two Brigades. Because that's where the abuses took place. He may have prevented ten other things from happening under those other Brigades and missions because his energy was going towards those. And failed to do it over there. So I believe that the failure is the one of his being adequately resourced to accomplish all the missions that he had, and having the staffs not providing him the right--and the Commanders not providing him the right feedback that says we need help. This is not going right.

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[U] Q. Sir, was there anything that General Wojdakowski could have done to get help? To help him to handle

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this myriad of tasks that he now had? Was there something that General Sanchez should have done?

[U] A. Well, , you know, I--

[U] Q. I mean was the fact that----

[U] A. I'm second guessing Wojdakowski right now. It's easy to look back and say you know he should have gone back and done a lot of the things that we talked about in terms of reassessing the mission; reassessing whether we had the right resources to do it; and going back and asking CENTCOM, to help him with that mission. He could have, as you also suggested, perhaps gone down then to CFLCC and the 377th and said, hey, we need battalion support up here to keep the operations at Abu Ghraib. You know we need to relieve the MPs at some of the duties that we could assign to somebody else and let them focus on this. We could do the same thing with Military Intelligence. But it's very easy to sit here in judgment retrospectively not looking at how the other priorities were stacked up on his desk. On--the failure is that, you know, he never got that ICRC Report. And he never got the other indicators. Maybe he did some of the CID investigations that were going on. But the whole overwhelming number of missions that were being thrown at that organization where today we have two Headquarters.

[U] Now and we have, if resourced it a 100%, they're far better resourced than they were back in the time that this was all going on. Everybody else had gone home too.

[U] Q. Right.

[U] A. Yeah, think about what Wojdakowski said, "Hey, (b)(6)-2 & (b)(7)(C)-2 went home. Here I'm still here."

[U] Q. Yes, Sir.

[U] A. You know most of the--the one, two, three's had all gone home. He's still there. So it was he and McKiernan are kind of the guys left and they split their functions between the borders that they established so that their--the friction that was kind of where these things kind crossed back and forth was not adding to the ability to get it all done either.

[U] (b)(6)-2 & (b)(7)(C)-2 Yes, Sir. All right. Sir, I'm going to go ahead and move on to the interrogation policy.

[U] (b)(6)-2 & (b)(7)(C)-2: Sir, I think we're on your calendar until about noon.

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[U] GENERAL KERN: I can stay as long as you want.

[U] (b)(6)-2 & (b)(7)(C)-2 Okay.

[U] (b)(6)-2 & (b)(7)(C)-2 All right, Sir. Thank you.

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[U] Q. Sir, the finding in the report stated that, "interrogation technique memos did not adequately set forth the limits on interrogation techniques. Misinterpretation of CJTF-7 policy memos led to some of the abuses at Abu Ghraib, but did not contribute to the violent or sexual abuses." And then later on it states, "Policy memoranda promulgated by the Commander of CJTF-7 led indirectly to some of the non-violent non-sexual abuses." What I want to focus on, Sir, is the part about the memos did not adequately set forth the limits on interrogation techniques. I've read the letters several times. And they are long and pretty involved. And to someone who is not a MI person, it seems like that a lot of limitations and controls are included in those letters. And that's just my view. What is your view, Sir? I mean in what way did those letters fail to adequately set forth limits? Can you think of any specifics?

[U] A. Yeah, very simply. They should have said abide by the Geneva Convention above all other things period. When all else fails go back to the Geneva Conventions.

[U] Q. In the first letter it actually does address the Geneva Conventions specifically on a couple of the techniques. You know where it warns that some other nations view this technique may approach violating the Geneva Conventions, so it would have to be used with caution. Those same cautions were omitted from the second letter.

[U] A. Part of the problem is that there were so many. Here's my basic thesis. You're an interrogator.

[U] Q. Okay.

[U] A. Okay. You're a twenty-year old female. You're going to interrogate some 40-year old grizzly old Iraqi. What rules do you use? Well I went through MI School and they taught me all these rules. I went through a lot of training. But those were about Prisoners of War not about detainees. Now this guy who goes up here is not wearing a uniform. So how do I treat him? What's the rules? Are they the same or are they different? Pretty simply it, you know, it should have been for you the twenty-year old they're the same. The thing we taught you. Yeah. Don't deviate. Okay? But what happened was there are these letters

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that, whether it came out of Secretary of Defense's Office, out of Guantánamo, out of Afghanistan; they're sitting in all of these computers down there. They're all reading all of these different things and saying, well I wonder if this applies or--so while they're doing these different letters, which were change, the official letters, and being drafted, they were conducting interrogations. With no specific guidance other than all these drafts of things that were going. And then some of these same Soldiers had operated in Afghanistan. Some of them. A couple had actually been in both Guantánamo and Afghanistan. And so you've got these young kids who are under pressure. That other point that we went back on. To get answers. Who have these multiple sets of guidance and by the time it finally comes out, it's so long and they've already read all these drafts all along; and it's just very murky to them.

[U] And so you've got a young kid who writes up an interrogation report that says I want to do something that's in violation of the Geneva Convention. And it's approved. Now do they know any better? No. Because they didn't--they had no clear guidance. You know after looking at all of these drafts; after looking at all these discussions; after operating in two or three different theaters to how they were really supposed to behave. When the simple statement, the simpler things are the better in life particularly when you're under pressure, is abide by the Geneva Conventions and you will do fine.

[U] That--I mean you've read through them all. Does that strike you as just being self-evident that I should just follow the Geneva Convention, what I was taught in school? It didn't to me. What it added up to me was lots of confusion. The other part that added up to me on it is our interrogators are too low a grade. And so we're asking pretty junior people, Specialist, Sergeants, the most senior person is a Warrant Officer and then a Major in the staffing process whose sort of, his records kind of disappeared, from most of what we looked for. These people are making judgments that are at a national strategic level. That's unfair. You know it should be very simple and direct for a young Sergeant who's going to conduct an interrogation that this is how you do it. And we don't teach you one thing for a hundred and some hours at Fort Huachuca and then you send you into a theater and say well we were just kidding. I mean that's just, I don't know. An expectation. We have terrific young kids. But that's a little bit beyond I think what we would expect of the twenty to twenty-five year olds ability to handle so many different documents. So when--and I'm not even sure how many of them ever saw the final one that got down there. There was so many drafts in-between.

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[U] Q. And I guess I have a couple of questions based on that of what you just told us, Sir. You mentioned that there were several drafts that were in the possession of some of these Soldiers, but of course at that time period only two policy letters were actually signed by General Sanchez. The one in September and the one in October. And of course there was one later on in the spring, but specifically on those two. Whose responsibility was it in your view to make sure that those Soldiers were only operating with signed policy letters?

[U] A. In my view the way that--we established it should have been the person in charge of JDIC, Lieutenant Colonel Jordan. Now you could also say then that was the responsibility of the Senior MI Commander there who should have ensured across the entire Military Intelligence Operating that it was the right policy at the right place.

[U] Q. Yes, Sir. My second question is, MI folks will argue that they are in fact not limited by what is taught at Fort Huachuca and the specific techniques that are described in the FM. They like to refer to a paragraph that says something about interrogation techniques are only limited by the imagination of the interrogator with the caveat of course that interrogations have to comply with all applicable laws and regulations.

[U] A. Right.

[U] Q. That differs a little bit from what you said where because we're dealing with such junior folks, they ought to limit themselves to what they were taught at the school. And, --

[U] A. Well, I think what--when it says it's up to the imagination of the interrogator, it says--it also says don't violate the law.

[U] Q. Right, Sir.

[U] A. I mean that's a clear distinction of what they're taught.

[U] Q. Yes, Sir.

[U] A. In telling somebody to take all their clothes off and be naked while you're interrogating them or to put them into isolation with no--and deprive them of all their senses is also--both of those are violation of law.

[U] Q. Yes, Sir.

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[U] A. And they knew that. When you asked them after the fact. You say, "Did you really think about that?" "Well, yeah. I guess it was."

[U] Q. What techniques did they think they were using when they were stripping the detainees? Did that even fall into one of the categories?

[U] A. No. That is a--no, something that I think fell out of Special Operations Afghan CIA. It sort of migrates its way into the Soldiers.

[U] Q. Sir, it is our understanding that, that General Sanchez believed, he recognized that he had this mix of experiences from different countries. As well as a mix of training levels within his interrogators and that actually drove his decision to actually publish these policy letters and put out some guidance and set up some limitations. Was that a bad decision on his part in your view?

[U] A. No, I don't think it was a bad decision. It just it was too long in coming. Now that--because interrogations were taking place while all these drafts were being written and staffed. And what nobody ever knows, I mean how many times have you ever gone down and check on the fact that somebody never has the--I mean you do it all the time as an IG. You don't have the most current regulation. You don't have the most current policy. You're following something that is outdated. You know and unless you have a religious way of going back and checking that, you never really know what people are using. Hell, we all go back and pick out the last FM we got when we were in school. And that happened in this case too. One of which had a violation of the Geneva Convention in it.

[U] Q. And which one would that be, Sir?

[U] A. I don't even remember the date right off. I'd have to go back and look at it. It was--it's not the current one. It was one that was published I think in '87.

[U] Q. Which technique did it include that in your view violated the Geneva Conventions?

[U] A. I'd have to go back and look at to tell you the truth.

[U] Q. Okay.

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[U] A. But I know they--they purposely changed the FM because when the lawyers went back and looked at it, they said no, that's not right. And I just don't remember.

[U] Q. I know that Mutt and Jeff was one that was dropped from the original.

[U] A. Yeah.

[U] Q. And I don't know if that's the one that you're thinking about.

[U] A. Yeah, and I don't know if that's the only one or not.

[U] Q. I think there were a few.

[U] A. Okay. But I know I've used FMs out of world War II because they are simple and easy to read.

[U] Q. Yes, Sir. Sir, in your view did any of the interrogation techniques that were listed in either letter violate the Geneva Conventions?

[U] A. No, I don't think they did. The interpretation of them violated the Geneva Convention in some of the cases, and the two or three that bother me are --one is the dog misinterpretation completely. Dogs are to be used for security not to scare somebody.

[U] Q. Right.

[U] A. And that was taken completely out of context. And then the other one is the isolation. It is a technique which can be used. It's allowable, but you have to do it under the right conditions and that didn't happen. So it wasn't just the techniques that were there. It was the way they were implemented.

[U] Q. And whose responsibility was it, Sir, to ensure they were implemented within the Geneva Conventions?

[U] A. Again I would have to say at Abu Ghraib it should have been the JDIC leader, Commander, Director, however you want to--Lieutenant Colonel Jordan.

[U] Q. Yes, Sir. Sir, do you know whether any of the detainees that were abused by the MPs--

[U] A. Uh, huh.

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[U] Q. The horrible pictures that everyone has seen. Were any of those folks going to be interrogated? Do you know?

[U] A. There were, if I remember correctly, in General Fay's report there are one or two that were to be interrogated.

[U] Q. But the bulk were just regular criminals?

[U] A. Yeah. I'll just say my thesis going in was that there was direction given to stage this in front of the people you wanted to interrogate. To frighten them so that they thought if we don't cooperate this is what's going to happen to us. And that was not true. That thesis was proven false. So, how they chose those people, I believe is just a fact that the night shift essentially grabbed whom they wanted.

[U] Q. Were they bored?

[U] A. Historically, and there's all sorts of papers and studies that have been written about the people who are running detention facilities will take advantage of the people they're detaining. That occurs in prisons-civil prisons. It occurs almost in every case. So psychologically unless people are prepared to discipline that from not happening, you can expect that it will happen. And so that's the first--you kind of set people up when you're in charge and somebody else has no means to bite back.

[U] Secondly, , this is my personal view, this is an amoral group of people of four or five. And you've seen that in some of the trial reports that have come out since then.

[U] Q. Right.

[U] A. And so I believe their behavior was based on a lack of morality and a position of authority which allowed them to take advantage of their low moral standings and character. I will tell you, my wife thinks they were trying to make a pornographic movie. I mean you just look at the things they did. They're absurd.

[U] Q. Yes, Sir.

[U] A. And then the physical beatings that they were stomping on people that were already hurt and injured is just--that's inhumane. I just can't fathom any American Soldier doing that to somebody else. You know? Unless that other person is threatening them with their life and he's got a knife at their

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